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LEHIGH COUNTY

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COUNTY COMMISSIONERS



TRUMAN J. RUMF, CHIEF CLERK  
ORRIKE E. BOYLE, SOUGHTER

OFFICE OF THE COMMISSIONERS  
COUNTY OF LEHIGH  
ALLENTOWN, PA.

To the Citizens of Lehigh County, Pennsylvania:

All who have ever lived or visited within the bounds of Lehigh County have been thrilled by its scenic beauty, its prosperous farms, its varied and teeming industries, its many spire-crowned churches, its modern schools, and its happy and hospitable people.

For all these blessings and achievements there have been many and varied causes; frequently too little known even to those who have and enjoy them most.

We are exceedingly happy, therefore, to be able to present you with this book, as a public service which may in some measure explain the reasons for the boundless success of our people here at home. As an Inventory of Lehigh County it is designed to inform you about your own talents and resources and those of your neighbors and coworkers in this garden spot of our beautiful Lehigh Valley. It will also be found an excellent guide for those engaged in research into the values of our American way of life.

Realizing that those things which we treasure most in life should be preserved for posterity, we are especially pleased to recommend this Inventory to the teachers of our youth in the public schools as a ready reference book for a comprehensive study of the history, character, government, education, industry and culture of the people of Lehigh County. From its pages they are certain to find inspiration for their own successful future.

It is with profound gratitude that we acknowledge the splendid cooperation of the Pennsylvania Historical Records Survey and to all others who have contributed their talents and services in the preparation of this Inventory of Lehigh County.

Sincerely yours,

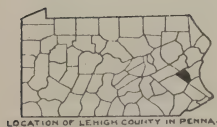
*Robert F. Good*  
*Elmer G. Schellhamer*  
*Harry D. Hertzog*  
Lehigh County Commissioners

ATTEST:

*Truman J. Rumf*  
Chief Clerk



LEHIGH COUNTY TOWNSHIPS IN 1812



LOCATION OF LEHIGH COUNTY IN PENNA.

# LEHIGH COUNTY TOWNSHIPS AT PRESENT TIME







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## PART A. LEHIGH COUNTY AND ITS RECORDS SYSTEM

### I. HISTORICAL SKETCH

*Topography.* Lehigh County, which lies in the eastern part of the State of Pennsylvania, is bounded on the northwest by the Blue Mountains which separate it from Schuylkill and Carbon counties, on the northeast by Northampton County, on the southeast by Bucks County, and on the southwest by Montgomery and Berks counties. It is approximately 28 miles long and 15 miles wide, with a total area of 344 square miles.

The surface of the county is generally undulating and, although rugged and broken in some places, it is well suited for growing grains, fruits, and potatoes. In the southeastern part are hills belonging to the South Mountain range, of primary or Laurentian formation, consisting largely of Potsdam sandstone and crystalline iron ore, much of which is magnetic. These Laurentian rocks are believed to be among the oldest on the continent. North of this extends a broad belt of lower Silurian limestone, and beyond this is the Hudson or dark slate which extends to the sandstone of the Blue Mountains on the northern boundary. Large quantities of slate are to be found in the northern part of the county, especially near Slatington. The mountains southeast of Allentown yield blue limestone, used for fertilizing the soil and for manufacturing purposes, and excellent sandstone, used for building. Brown argillaceous ore occurs in many places near the edge of the limestone formations, especially in the north. Lehigh County represents four types of topography: the South Mountain hills, the limestone valleys, the slate hills of the northwest, and the Blue Mountains.

The county is well watered by many streams which flow into the Lehigh. This river rises about fifty miles from Allentown, breaks through a gap in the Blue Mountains, flows along a part of the northeastern boundary, and then turns northeast to Easton. The Saucon flows through a rich limestone valley and joins the Lehigh two miles below Bethlehem. The Little Lehigh rises in Berks County, receives the waters of Cedar and Jordan creeks, and empties into the Lehigh at Allentown. In addition, many small streams flow through the county. About two miles north of Allentown, near Cavern Spring there is a famous limestone cave situated on Jordan Creek which rises at the foot of the Blue Mountains. The Lehigh Canal extends along the northeastern boundary, following the course of the Lehigh River.

*Early History.* The early history of Lehigh County is merged in that of Northampton County. When the latter was formed in 1752, it had 6,000 inhabitants, one third of whom lived in what later became Lehigh County. The first white men to enter that area were traders who came early in the 18th century. The earliest permanent settlers within the limits of the county were for the most part Germans who entered Lower Milford in 1715. Some came from Philadelphia, Bucks and Chester counties, but many came directly from Germany where they fled persecution. Settlers did not come in large numbers, however, until 1734. About three quarters of them were German; there were also some Huguenots, and a number of Swiss and Welsh. It is probable that the Scotch-Irish settlers of Allen Township extended into the upper part of the county. The lower portion of Lehigh, near Montgomery County, was settled by the Schwenkfelders, a small German sect. The Moravians, who emigrated from Saxony to Georgia and then to Bethlehem and Emmaus, believed in the inspiration of the Scriptures, in the Trinity, and in a future state of reward and punishment, but avoided abstruse theological speculations, endeavoring to make practical piety the principal aim of their teachings.

These early settlers were a thrifty and hardy people, and they made the county in which they settled one of the most prosperous in the state. They managed to maintain friendly relations with the Indians until 1755. The Indians had receded beyond the Blue Mountains before the advancing tide of white settlement, so that by 1742 there were practically none left in the county. With the outbreak of the French and Indian War, marauding bands of Indians invaded the peaceful valley and butchered many of the inhabitants. A number of Heidelberg Township settlers fled to Bethlehem during the first years of the war. Conrad Weiser, the Indian interpreter and provincial ambassador to them, frequently crossed the area of the present county on his treaty-making missions from the Tulpehocken through Reading to Bethlehem and Easton. The county was disturbed by constant alarms and fears until 1758. As the immigration of settlers increased, there were fewer outrages, and the inhabitants had five years of comparative peace. In October, 1763, some Delaware and Shawnee Indians were robbed about eight miles from Bethlehem. In revenge they tomahawked several families, and killed Captain Wetterholt, the owner of Stenton Tavern, and a number of soldiers. These massacres were the result, also, of the smoldering resentment of the Indians, who felt they had been mistreated and cheated, especially by the Walking Purchase of 1737.

In 1798 the county was the scene of general excitement when the new Federal government attempted to collect a direct tax on window panes,

the so-called "house tax." The ensuing troubles are known as the Fries' Rebellion because John Fries, a cooper and auctioneer, collected a band of followers and chased assessors from township to township. This lawlessness led to some arrests, whereupon Fries led a mob to release his men who were imprisoned at Bethlehem. President Adams then called upon Governor Mifflin to order out the State militia to restore order. Fries, together with thirty others, was convicted of treason, but President Adams eventually pardoned all of them.

Although no battle was fought in Lehigh County during the Revolutionary War, its inhabitants were loyal and did their share in furnishing troops and supplies, as they have in succeeding wars.

*Creation of the County.* The territory now included in Lehigh County was originally a portion of Bucks County, one of the three original counties of Pennsylvania established by William Penn in 1682, and so remained until the erection of Northampton County in 1752. The County of Lehigh was formed out of Northampton County by the Act of March 6, 1812, and named for the river which separates it from its mother county. The name is from the Indian name Lechauwekink, shortened to Lecha by the German settlers, and later anglicized as Lehigh.

The original townships were Hanover, Heidelberg, Lowhill, Lynn, Macungie, Milford, Salisbury, Upper Saucon, Weisenberg, and Whitehall. Macungie was divided into Lower and Upper Macungie in 1832, Milford into Upper and Lower Milford in 1847, and Washington Township was formed from Heidelberg in 1847. In 1867 Whitehall Township was divided into North Whitehall, South Whitehall, and East Whitehall Townships, but in November of the same year the name of East Whitehall was changed to Whitehall, which is now the only first-class township in the county. Northampton Township once existed, but has been lost, principally by absorption into the borough, later the city, of Allentown.

The Act creating the county authorized the Governor to appoint three discreet persons, not of Northampton County and not holding property therein, to fix a site for a courthouse; and ordered that "from and after the third Monday in December next the Courts of Common Pleas and of General Sessions, in and for the County of Lehigh, shall be opened and held at the house now occupied by G. Savitz, in the borough of Northampton [Allentown], in the said County of Lehigh, until a court house shall be erected." Under this authority the first court was opened on December 21, 1812, the presiding judge being Robert Porter. On November 30, 1813, the court opened at the house of Savitz, but soon adjourned to the upper story of the prison building, where it remained until August, 1817, when the new courthouse was finished.



The town selected as the county seat had been called Northampton until 1800, then Allentown until 1811. It was then incorporated as the borough of Northampton until 1838, when its present name was restored. Situated in the midst of a rich agricultural and mineral area at the confluence of the Lehigh River, the Little Lehigh, and Jordan Creek, Allentown is one of the oldest settlements on the Lehigh; it was founded and laid out in 1762 by William Allen, a chief justice of the province. In the early days Allentown was the scene of many historic deeds, such as the hiding of the Liberty Bell in Zion Reformed Church when the British occupied Philadelphia in 1779.

On April 5, 1849, it was provided that Northampton and Lehigh should constitute the Third Judicial District, and this continued until 1874, when Lehigh, having more than 40,000 inhabitants, was designated the Thirty-first Judicial District.

*Agriculture.* Lehigh County has attained an enviable reputation in the State as a rich agricultural district, due to the efforts of its progressive and enterprising farmers. One of the chief factors contributing to the development of agriculture has been the county's annual fairs, sponsored by the Lehigh County Agricultural Society, which was organized in 1852. These exhibitions were educational, and aroused a spirit of friendly rivalry, inducing the farmers to put forth their best efforts.

The valley part of the county is almost equally divided between limestone and clay slate formations, hence the soil of the county is very fertile and suitable for growing all grains of the Temperate Zone. Among the grains grown are wheat, corn, oats, barley, and buckwheat. Dairying and truck farming receive much attention, and the fruit orchards are among the finest in the country.

According to the census of 1870, the total value of farm products amounted to \$3,085,841, whereas in 1943 the value of such products was computed at almost \$11,000,000. In 1916 the county had 18,206 acres of woodland, and the growing wheat was valued at \$500,000.

Seven townships in the northwestern part of the county make a specialty of potato growing, and as a result the county has the greatest potato acreage in the State and ranks first in potato production. The basis for this specialty is found in the fact that the loam soil (Muskingum series) of these townships, though not as fertile as adjacent soils derived from limestone, is particularly well adapted to the growth of potatoes. In this region potatoes take the place of corn in the crop rotation system. In 1937 the potato crop was valued at \$1,475,000. During 1941, of the 118,251 acres susceptible of cultivation, 110,602 acres were being cultivated. The value of land and buildings in 1940 was \$13,709,-



179; of crops, \$3,709,410; of live stock, including poultry, \$1,923,270; of live stock products, including dairy, poultry, and wool, \$1,923,270.

*Industry.* Among the oldest mills in the county are the mill on Perkiomen Creek built in 1740; the mill on the Monocacy constructed by the Moravians in 1743; Trump's Mill on Indian Creek built about 1778, which was the first oil and linseed mill in the county; and William Dubb's Mill in Dillingerville built in 1778. As early as 1747 John Moll operated as a gunsmith in Allentown, fifteen years before the town was laid out. Moll and his descendants for three generations were rifle makers on present North Seventh Street. In 1779 a factory at Allentown supplied shoes for the Continental Army.

As early as 1791 anthracite coal was used in the blacksmith forges along the Lehigh. The first successful use of anthracite in the smelting of iron was about 1829 in the David Thomas Furnace at Catasauqua. Other early iron furnaces were the Hampton Iron Furnace built in 1809 in Upper Milford Township and the Lehigh Furnace in Washington Township, which was active from 1826 to 1880. The Lehigh Crane and Iron Company, organized in 1839 and later called the Crane Iron Company, was absorbed about 1900 by the newly formed Empire Steel and Iron Company.

The production of cement is one of the county's leading industries. The first natural cement was manufactured at Lehigh Gap in 1826, and was used in the construction of the canal connecting Mauch Chunk with Easton. A small plant, near the location of the present Whitehall Portland Cement Company, also furnished cement for this canal. The Coplay Cement Company, located above Coplay Station and organized in 1866, was the first company in America to make Portland cement. David O. Saylor, an officer of the firm, perfected and patented an improved process for making this product. Nearly all cement now used is Portland cement, so called because of its resemblance, after hardening, to the Portland limestone of England. In 1890 the Lehigh district produced 60 per cent of the total output of Portland cement in the United States. Seven years later production increased to 74.8 per cent but in 1923 it dropped to 25.9 per cent of the total output. In 1917 there were 18 cement companies operating 34 mills in Lehigh County. There are several reasons for the growth of the cement business in this district. One is the excellent location with respect to market; another, the presence of both clay and limestone; and finally, the wide reputation which has been established by the large companies here producing the cement. Great improvements have been made in the manufacturing process. At one time there was dust everywhere, but now that the rock is crushed under streams of water the air is clear even though some of the large

companies bag and load 40,000 sacks of cement a day. Three fourths of all the cement manufactured in the State is produced in the Lehigh district.

In 1830 a wagon load of zinc ore from the Friedensville area was taken to the Mary Ann Furnace in Berks County to determine its nature and value. When placed in the furnace the zinc was all volatilized and escaped. It was not until 1845 that the true value of the ore was ascertained. The Pennsylvania and Lehigh Zinc Company was formed in 1853. The following year smelting furnaces were established at Bethlehem, and mining was started in the Ueberoth, Hartman and Saucon mines. In 1881 the Lehigh Zinc Company was bought by the Lehigh Zinc and Iron Company, and the Friedensville mines—the most important zinc deposits in the State—were acquired by the Friedensville Zinc Company. The New Jersey Zinc Company was formed in 1896 and absorbed the Lehigh Zinc and Iron Company. Three years later it purchased the properties of the Friedensville Zinc Company.

Slate was first discovered on the present site of Slatington about 1844. The first quarries were opened a year later. Twenty-one quarries were operating in Slatington in 1917. New Tripoli, Lynnport, Wannamakers, Steinsville and Slatedale are other Lehigh County towns with large slate quarries. More school slates are produced here than in any other district in the country and they are shipped to all parts of the world.

During the last twenty years large textile mills were opened in these slate quarrying centers. It is said that the State's slate reserves are far beyond the needs of the next two centuries at the present rate of use, and the slate industry will undoubtedly continue at its present importance in the Lehigh Valley, for a long time. On the other hand, textile mills have increased in importance until these slate towns might better be called textile towns. The textile industries of the slate towns began as distinctly parasitic operations, utilizing the surplus female labor.

Allentown typifies the growth of the textile industries in the county within recent years. It is in the consideration of employment totals that the importance of Allentown's textile industry is shown. In 1933 Allentown's factories employed 16,000 persons. Of this number approximately 8,400 persons, or more than half of the factory workers, were in the textile works, and nearly 5,000 of these were engaged in making silk and rayon goods. In 1941 metals and metal products made in the county were valued at \$50,270,000; textiles at \$30,392,800; and food and food products at \$13,456,400. During World War II Consolidated Vultee Aircraft here created the "Sea-Wolf" bomber, employing about 5,000 people, and old, established foundries, machine and engineering firms made the material of war. Firms like the Traylor Engineering & Manu-

facturing Company, Mack Motors, W. F. Mosser and Sons, and Bonney Forge and Tool were awarded the Army-Navy "E" Award.

*Transportation and Communication.* The agricultural and industrial interests of the county advanced as the transportation facilities provided by the roads, waterways, and railroads were improved. The many trails made and used by the Indians in the county were used by the early settlers, and many of the early roads were constructed upon these trails. The Old Warrior's Path was the scene of many conflicts among the warring tribes. This trail crossed the Lehigh River about 500 feet upstream from the bridge at Slatington, where the Indians forded the river. It extended southward by way of the Shenandoah trail, following generally the route of present U. S. Highway No. 22. From the region about Slatington there were many important lateral branches. One of these traversed the section known as Indian Land, leading by way of Bath and Nazareth, to the point where Easton is now located.

The first road to be laid out within the present limits of the county was petitioned for in 1732, surveyed in 1735, and completed in 1736. It was called the King's Road or King's Highway. It extended from Goshenhoppen to Trexlertown and was 52 feet wide. It is sometimes called Goshenhoppen Road. From this highway another road, known for a hundred years as the Great Philadelphia Road, was constructed on an Indian trail and was used by wealthy Philadelphia sportsmen who came into the district to hunt. The old Bethlehem Road was for years one of the great highways extending from the Lehigh to Philadelphia, with numerous other roads leading to it on both sides. The Catasauqua and Fogelsville Plank Road Company, chartered in 1853, built a road passing through the center of the county and completed it in 1857, furnishing an outlet for the iron mines. Today there are some 474 miles of improved State highways in the county, including the William Penn Highway—U. S. No. 22—and other important highways.

In 1763 a stage line was organized on a weekly schedule between Bethlehem and Philadelphia. This was the first public transportation service in this part of Colonial America. In 1819 a stage line was placed in operation between Easton and Reading by way of Bethlehem and Allentown over the old King's Highway.

Toward the close of the nineteenth century, as the anthracite coal from Mauch Chunk gradually came into more general use in Philadelphia, the problem of getting the fuel to market arose, as the Lehigh was unsuited to navigation. In 1798 an effort was made to make the river navigable, but after a futile expenditure of \$20,000 the plan was abandoned. By an Act passed in 1818, Josiah White & Company were granted permission to improve the navigation of the river. This was done grad-



ually by means of artificial freshets, dams, small wing dams, and sluices, and a descending navigation was effected. In 1824 arks transported 31,280 bushels of coal, 6,186 barrels of flour, and many tons of other products out of the county via the river.

The summer of 1825 marked the beginning of the construction of a canal from Mauch Chunk to Easton, which was to be 60 feet wide at the surface, 45 feet wide at the bottom, and 5 feet deep. The locks were to be 100 feet long and 22 feet wide, built of rough stone laid in cement. In 1827 the uncompleted Lehigh canal transported 30,305 tons of coal. Construction and improvements on the canal continued, and in 1860 transportation business on the canal reached its peak with 1,338,375 tons carried down the canal. Electric traction and steel boats were tried on the canal but without success.

The Perkiomen Railroad Company was chartered in 1852, and the road, passing through the lower end of the county, was completed in 1876. The Lehigh Valley Railroad was originally incorporated under the name of the Delaware, Lehigh, Schuylkill, and Susquehanna Railroad Company, by an Act of Assembly passed April 21, 1846. The East Pennsylvania Railroad Company, chartered in 1857, connected Allentown and Reading and had a large traffic in freight and coal. The Iron-ton Railroad Company, chartered in 1859, connected Coplay and Ironton. The Berks and Lehigh Railroad Company, chartered in 1871, connected Reading and Slatington, and traversed the upper part of the county, furnishing an outlet for the products of that section. Today railroad transportation in the county is furnished by the Reading, the Lehigh Valley, the Lehigh and New England, and the Ironton Railroad Companies.

The first horse-drawn street cars appeared at the close of the Civil War, and eventually became the nucleus of the Lehigh Valley Transit System, which today with its coordinated motor bus operation supplies the major passenger transportation facilities for this area. At the present time the combined route mileage of both trolley and bus is slightly in excess of 350 miles.

*Journalism.* The development of the county's means of transportation was aided by the attitude taken and the support given by the newspapers. The first paper in Lehigh County, *Der Unabhängige Republikaner* (Independent Republican), began publication on July 27, 1810, with Charles L. Hutter as editor. This weekly continued in existence until 1916. The name is misleading since it was a Democratic sheet. *Friedensbote* (Messenger of Peace), a weekly edited by Joseph Ehrenfried, first appeared on September 12, 1812, and continued publication until 1916. *Welt-Bote* (Messenger of the World), originally es-

tablished in 1854, was published in conjunction with the *Friedensbote* after 1870. The *Stadt und Land Bote* began in 1869 as a daily, changed to tri-weekly, and continued publication until 1881.

Charles L. Hutter also started the first English newspaper, the *Lehigh Sentinel*, in 1817. It had to suspend publication five years later because of a lack of readers. The first newspaper published in English that succeeded in securing enough readers to assure its success was John Royer's *Lehigh Bulletin*, later known as *The Democrat*, which existed from 1837 to 1919. In 1940, in addition to the two dailies, the *Call* and the *Chronicle and News*, there were five weekly newspapers being published in the county, the *Lehigh Valley Review* and the *Times* at Allentown; the *Dispatch* at Catasauqua, the *Little Stick and News Digest* at Emmaus, and the *News* at Slatington. The *Chronicle and News* is now known as the *Evening Chronicle*, and the *Little Stick and News Digest* has been discontinued.

*Education.* The power of the press, in molding public opinion, was a potent factor in developing local and county school systems. As might be expected, German schools were the chief source of education in the county prior to 1795. The first school was probably established in 1729 by the Great Swamp Reformed Congregation; four years later, a second school was in existence at Egypt. The Mennonites, Schwenkfelders, Quakers, and Moravians all strove to promote education, but progress was retarded around 1760 by the teachers leaving their profession to join the ranks of the ministry. As early as 1775 the Schwenkfelders taught Greek and Latin in their school in Milford Township. The Moravians were very much interested in music, and organized the Collegium Musicum in 1744, which was reorganized as the Philharmonic Society in 1820. The famous Bach Festival now held annually in Bethlehem is an outgrowth of these musical traditions.

By 1775 occasional donation schools contributed to the advancement of learning. This system was fostered by persons who gave land for school purposes. The first English school opened January 3, 1809, with Jacob Kern as instructor. Three years later, the English School Society was organized at Tripoli. By 1820 English had been introduced into all the progressive schools. During the first two decades of the 19th century a girls' school was opened at Northampton (Allentown); a school-masters' synod or organization of teachers met at Worman's Spring; and a night school was being successfully conducted. In 1814 the legislature appropriated \$2,000 for an academy to be located at Allentown. This act also required an additional subscription of \$1,000 which was not raised until 1823. The academy was closed in 1867, and the amount obtained from the sale of the buildings in 1881 was divided between



Muhlenberg College and the College for Women for a perpetual scholarship.

The Allentown Seminary which was opened in Trout Hall in 1848, prospered during the fifties, became the Allentown Collegiate and Military Institute in the sixties, and closed in 1867. Muhlenberg College was then established and named in honor of Reverend Henry Melchior Muhlenberg, founder of Lutheranism in America. It received a bequest from Asa Packer, founder of Lehigh University, in 1879; and later, by endowments and gifts, the college was enlarged. It has occupied its present site since 1905. Allentown Female College was founded in 1868 under the auspices of the Reformed Lutherans. This institution, after many years of growth and development on Fourth Street, acquired and moved in 1915 to a beautiful site on a ridge west of the city, changing its name to Cedar Crest College. It now has a beautiful campus, and occupies a favorable position among the institutions of higher learning in the State.

An earlier, though less successful, venture into the field of higher education was the establishment in Allentown of the first school of homeopathic medicine. It was organized January 1, 1834, under the name of The North American Academy of Homeopathic Healing. A building was erected the following year, and a portion of it is still standing and in use, now owned by the Allentown School District, and directly adjacent to the District's Administration Building on South Penn Street.

Although the German settlers were active in promoting education, they vigorously attacked the free school movement, chiefly because they did not want the schools to be removed from the control of their churches. Public schools developed following the passage of the Free School Act, however, so that there were 30,117 pupils enrolled in the 25 school districts of the county in 1939. The 159 school buildings in use, of which twelve were high schools, were valued at \$140,064,490.

Due to the generosity and farsightedness of the late General Harry C. Trexler, Lehigh County has one recreational and educational feature which is unique among the counties of Pennsylvania. During his lifetime, General Trexler had a game preserve in the western part of the county where for a number of years he maintained large herds of buffalo, elk and deer. Upon his death General Trexler bequeathed this game preserve to the county, together with funds for its maintenance. The County Commissioners in recent years have introduced a number of other less familiar animals from other parts of the world, which add interest to this preserve of approximately 1,100 acres.

*Population.* The result of the educational facilities was manifested in the development of the natural resources of the region, resulting in an influx of people into the county. The 1820 decennial census, taken just eight years after the creation of the county, showed a total population of 17,175. Coal mining and the building of the canal connecting the Lehigh River with Easton brought new families into the county, so that in 1830 there were 22,256 inhabitants. During the next twenty years, the growth of the metal industry, the proposed opening of zinc mines, and the beginning of slate quarrying, brought more new residents to the county, resulting in a population of 32,429 in 1850. Between 1850 and 1880, zinc mining and smelting, and the manufacture of Portland cement were new industries that attracted people from outside the county, so that in 1880 there were 65,969 residents in the county. During the next fifty years, Lehigh county became a highly industrialized district, the 1930 census showing a total population of 172,893. The 1937 birth rate for the county was 14.0 per 1,000; while the death rate was 10.7 per 1,000. The 1940 census showed a total population of 177,533.

## II. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

*Legal Status of the County.* The Pennsylvania county provides an interesting basis for a study of local government, for its governmental organization represents neither the full county administration established in the South nor the township system of the New England states. The Pennsylvania county may best be described as a quasi-corporation. It derives its powers from legislative authorization and has no inherent right of self-government. Its municipal subdivisions, namely, cities, boroughs, and townships, serve as convenient areas for the conduct of the county's business. The school district, coextensive with a municipality, forms an additional governmental unit operating within the county.

The county and its subdivisions have always formed an integral part of the State judiciary system. Originally the county performed but a single administrative function for the State, that of collecting State taxes levied within the county. In recent years, however, the role of the county as an agent of the State has been extended to the fields of education, public assistance, health, and the compilation of vital statistics. In all of these instances the functions themselves belong to the State, the county being utilized primarily as a convenient geographic area. The county, cooperating with the State, is similarly used by the Federal government in carrying out the child welfare provisions of the Social Security Act and in administering agricultural extension work.

A new county may not be established in Pennsylvania if its creation would reduce the area of any existing county to less than 400 square miles and the population to fewer than 20,000 inhabitants. Nor may special legislation of numerous specified types be passed for individual counties. For many years after 1874 the constitutional prohibition of special laws augmented legislative problems, since different laws are needed for a county like Lehigh with a population of less than 200,000 and a county like Philadelphia with a population of almost 2 million. The General Assembly has attempted to remedy this situation by classifying the counties according to population and enacting legislation for all counties in a given group. Finally, in 1919 the 67 counties were divided into eight classes, and in 1923 a constitutional amendment was adopted incorporating these provisions. Today whenever a law relating to counties is passed, it applies either to all the counties or to all counties

of a given class. Lehigh, with a population of 177,533, falls into the fourth class which includes counties having from 150,000 to 250,000 inhabitants. A county changes class as population changes are disclosed by the decennial census of the United States. Any change in class becomes effective by certification of the Governor, on January first of the year following that in which the census is taken.

*Structural Development of County Government.* Lehigh County was formed from parts of Northampton County by the terms of an act of March 6, 1812.<sup>1</sup> This act provided that the officers of Northampton

<sup>1</sup>1812 P. L. 76.

County were to continue to serve for the new county until similar officers were chosen for Lehigh County in the legally stipulated manner. After the third Monday of December, 1812, courts were to be held at the house of George Savitz in the borough of Northampton, later Allentown, until a permanent seat of justice was chosen and a courthouse erected. Before May first, 1812, the Governor was required to appoint three persons, not residents of Northampton County and owning no real estate in the county, whose duty it was to select a site for the courthouse, prison, and county offices, as near as possible to the center of the county. County commissioners for Lehigh County were to be elected at the next annual elections, and they were to purchase the site selected for the county buildings, levying a special tax to cover the expense.

At the time when Lehigh County was organized, its governmental structure was based on the provisions of the Constitution of 1790 and the acts of the General Assembly which were then in force. A gradual development took place from a comparatively simple to a more elaborate structure under the present Constitution which went into effect in 1874. This, in turn, has been modified by amendments and subsequent legislation.

In 1812 the administrative officers of Lehigh County consisted of the three county commissioners, the sheriff, the coroner, and three auditors. The commissioners and the auditors were elected by the people, the commissioners having a tenure of three years, but the auditors serving for one year until their term was likewise set at three years in 1814. The sheriff and coroner were selected by the Governor from two nominees chosen by the freemen of the county. The sheriff and county commissioners were responsible for the drawing of jurors' names. The commissioners appointed a clerk and annually selected the county treasurer. The Governor was authorized to appoint an officer to be in charge of weights and measures. Lehigh County, along with Berks, Northampton, Wayne, and Schuylkill counties, was placed in the third judicial district. The Governor appointed one man to act as prothonotary and clerk



of all the courts, and a second person to hold the offices of register of wills and recorder of deeds. After 1824, however, two men began to perform the duties of clerks of the various courts, one as prothonotary of the court of common pleas, and the other as clerk of the courts of quarter sessions and oyer and terminer, and orphans' court. The judges appointed a group of six road viewers whenever there was need for their services.

The Constitution of 1838 instituted many significant changes, particularly some which increased the power of the electorate. The prothonotary and clerks of the other courts, recorder of deeds, and register of wills, as well as the sheriff and coroner, were elected directly by the citizens of the county with a tenure of three years. The Constitution further stated that the "legislature shall provide by law the number of persons in each county who shall hold" the clerical offices "and how many and which of said offices shall be held by one person." An act of the following year provided that in Lehigh County these five offices should be divided among four men, one to act as prothonotary, the second to be recorder of deeds, the third to hold the offices of clerk of the courts of quarter sessions, oyer and terminer and orphans' court, and the fourth to act as register of wills.

A number of changes occurred between the adoption dates of the Constitutions of 1838 and 1874. The county treasurer became elective in 1841, and the judges of the county courts in 1850. The district attorney who replaced the former deputy attorney general and the county surveyor whose duties included the functions of the former deputy surveyor were established as elective offices. The number of road viewers was reduced to three. The county commissioners began to appoint a mercantile appraiser to assess the business done by merchants, as a basis for the mercantile tax. In 1842 the county commissioners, together with the associate judges, became an ex officio board for the revision of tax assessments. The judges were removed from the board two years later. The office of county superintendent of schools came into existence in 1854. The superintendent was elected by local boards of school directors for a three-year term. In 1844 a county unit of poor relief administration was adopted, under the supervision of three poor directors who were elected for a three-year term. An act of 1863 provided for the election of a fifth clerical officer by dividing the office of clerk of courts between two men, one of whom acted as clerk of quarter sessions and oyer and terminer, while the second held the office of clerk of orphans' court. In 1867 two jury commissioners were added to the expanding group of county officials. Thereafter, they were in charge of the selection of jurors' names. In 1869 provision was made for the creation of a board



of prison inspectors, consisting of the county commissioners and two additional members appointed by the court of quarter sessions. This board was empowered to select the warden of the county prison, and the sheriff no longer acted in that capacity. The office of sealer of weights and measures was abolished in 1859, re-established in 1877, and again dispensed with six years later.

The Constitution of 1874 lists as county officers the prothonotary, clerk of courts, sheriff, coroner, register of wills, recorder of deeds, commissioners, treasurer, surveyor, auditors, and district attorney. The Constitution also abolished associate judges not learned in the law in counties forming separate judicial districts. Since Lehigh County became a separate judicial district in 1874, this provision applied to it. When the county's population passed 150,000 in 1930, it was entitled to have a separate orphans' court with its own judge. Such a court was established in the following year. Since that date the register of wills has been required to act as clerk of orphans' court as well.

By 1945 many further changes had been made in the structural organization of county government. In 1909 the terms of all elected county officers were extended to four years, with the exception of the judges who retained their tenure of ten years. The court of common pleas now consists of a president judge and an additional law judge. The court appoints probation and parole officers. Since 1911 the court of common pleas has appointed a county board of viewers from which road viewers and viewers for other purposes are selected. The county commissioners appoint a solicitor, inspector of weights and measures, and a county engineer. An elected county controller replaced the three county auditors in 1914.

There has been a tendency, when new duties arise, to delegate them to the existing county officers, rather than to establish new offices just for that purpose. The county commissioners now act as the board of assessment and revision of taxes, the board of elections, the registration commission, and the county institution district board, which replaces the poor directors. With the controller they act as a salary board, and with the controller and treasurer they form the sinking fund commission.

After 1919 the mercantile appraiser was no longer an appointee of the county commissioners. Instead, he was selected by State officials, first by the Auditor General, and later by the Secretary of Revenue. In 1943 this office was abolished, together with the mercantile tax.

*General Administration.* Each elected county officer is independent, his powers limited only by the terms of the laws relating to him. The only supervision by one county officer over another is the controller's responsibility for checking on the accounts of the other officers, and

the requirement that the controller countersign warrants and approve the budget. Appointed officers are generally subject to control by the appointing body.

The only central administrative authority of the county is the board of county commissioners, at first established to supervise fiscal affairs only. From time to time, however, the commissioners have been given so many new responsibilities that they now have control over certain phases of the conduct of elections, the registration of voters, the administration of poor relief, the selection of various officials, and the purchase and maintenance of county property. In addition, they have considerable discretion in determining which of many optional activities are to be undertaken by the county.

*Registration of Title to Property.* Under the proprietary government of Pennsylvania, prospective purchasers of land were required to make written application to the Land Office. This application was entered in a book; and a warrant, or order, was thereupon issued by the Secretary of the Land Office directing the Surveyor General to make a survey for the warrantee. A report of the survey was returned to the Land Office. Upon its acceptance the warrantee was entitled, after payment of the purchase price, to receive a patent on the land. This procedure was continued under the government of the Commonwealth. The deputy surveyor and his successor, the county surveyor, have kept books in which are entered applications for warrants and descriptions of the land. After the completion of a survey, the boundaries were recorded in a Survey Book.

Legislation designed to establish a system for recording instruments relating to the conveyance of land was passed in 1715, establishing the office of recorder of deeds. In all transactions involving land, the tract must be identified either by formal description, by name, by number or mention of adjoining property, or by description of any house erected on it. The method used is to locate the tract and to fix either natural or artificial points on the ground, to designate the owners of the adjoining land, the directions of the boundary lines ascertained by means of a surveying instrument, the length of the boundary lines from point to point, and the area of the tract.

*Judiciary.* The Constitution of 1790 provided for the appointment by the Governor of judges of the court of common pleas. They also presided over the courts of quarter sessions, oyer and terminer, and orphans' court. The register of wills and the judges of the court of common pleas constituted the register's court which continued to function until it was abolished by the Constitution of 1874. In 1790 the State for the first time was divided into judicial districts or circuits, none of which

was to include more than six or less than three counties. The Governor appointed a president judge for each circuit, and three or four associate judges for each county. They served during good behavior. After 1806 the number of associate judges was gradually reduced to two. Therefore, when Lehigh County was erected and with Berks, Northampton, Wayne and Schuylkill counties placed in the third judicial district, the Governor appointed a president judge and two associate judges. In 1815 Schuylkill County was placed in another judicial district, and 34 years later Berks and Wayne counties were likewise removed from the third district. In 1874 Lehigh County alone became the thirty-first judicial district, in which status it has remained ever since.

Justices of the peace and aldermen comprise the lowest level of the judicial hierarchy. These officers are elected in the various townships, boroughs, and cities, for terms of six years. Theirs are not courts of record, and they have jurisdiction over lesser crimes and disputes. However, they may also hold over cases brought before them for a grand jury and subsequent trial in the courts of common pleas, quarter sessions and oyer and terminer.

The primary court of the judicial district consists of three branches, the court of common pleas, the court of quarter sessions, and the court of oyer and terminer. From time to time the jurisdiction of these courts has been redefined. The court of common pleas has jurisdiction in all civil matters; the court of quarter sessions exercises jurisdiction over the lesser crimes and misdemeanors, over roads and bridges, and over certain other civil matters. The court of oyer and terminer deals with crimes of more serious nature. The court of quarter sessions also has jurisdiction over questions of nonsupport and desertion. Since 1901 it has had jurisdiction over dependent, neglected, and delinquent children, except those children accused of homicide. The court of quarter sessions sitting in juvenile cases is sometimes referred to as the "juvenile court." The age limit of children under the jurisdiction of the juvenile court has been gradually raised from fourteen to eighteen.

At first the judges of the court of common pleas of Lehigh County presided over the orphans' court. The Constitution of 1874, however, provided that "in every county wherein the population shall exceed one hundred and fifty thousand the General Assembly shall, and, in any other county may, establish a separate orphans' court to consist of one or more judges who shall be learned in the law. . . ." A separate orphans' court with one elected judge was authorized for Lehigh County in 1931. The present jurisdiction of the court includes the probate of wills, the settlement of estates of decedents and minors, the granting of marriage licenses, and control over adoption proceedings.



Pennsylvania, unlike many of the other states of the Union, has no separate court of chancery. Instead, the powers of the latter are within the jurisdiction of the court of common pleas. The president judge of the judicial district, sitting in equity, is known as the chancellor.

The Superior Court and the Supreme Court of Pennsylvania are the two appellate courts of the Commonwealth, and operate for the State as a whole. The Superior Court, established by statute in 1895, has final jurisdiction in appeals of all criminal cases except those involving felonious homicide and cases concerning the right to a public office. In civil controversies its jurisdiction is appellate in all cases involving less than \$2,500. Its original jurisdiction is limited to actions of mandamus and prohibition to courts of inferior jurisdiction in cases where such action is a necessary part of proceedings within the appellate jurisdiction of the Superior Court. In addition, this court or any of its judges may issue writs of habeas corpus returnable to the Superior Court.

The Supreme Court, established in 1707, is the highest court of the State. It has original jurisdiction in cases of injunction where a corporation is a party defendant, of habeas corpus, of mandamus to courts of inferior jurisdiction, of quo warranto as to all officers of the Commonwealth. It has appellate jurisdiction of appeal, certiorari, on writ of error in all cases. The Supreme Court hears, on appeal from the district courts, cases involving sums over \$2,500 and criminals accused of felonious homicide. Because the Supreme Court is the highest court in the judicial hierarchy of the Commonwealth, it is the ultimate authority in the interpretation of the Constitution and the laws of the State.

*Law Enforcement.* From the earliest time the sheriff has been the chief conservator of the peace within the confines of the county. His power to summon a posse comitatus (band of citizens) in apprehending criminals and quelling riots and disturbances indicates the importance of the sheriff in the preservation of the peace. This power to suppress disorder may also be exercised by the coroner, by the local justices of the peace, and by the constables of the municipalities. The Pennsylvania Motor Police operate in such a manner as to supplement the work of the law enforcement officers where cooperation among counties is necessary.

It has always been the duty of the coroner to investigate deaths of a suspicious or violent nature, and to hold inquests. The coroner as a judicial officer may empanel a jury of not more than six, and may compel the attendance of witnesses to assist him in determining the cause of deaths and in fixing responsibility. If the jury determines responsibility for a death, it is the coroner's duty to apprehend the person so charged. For this purpose he may direct his warrant to the sheriff. The coroner

is also a committing magistrate so that if a jury should find a person guilty of homicide, it is his duty to commit that person to prison, without bail, to await trial.

The usual method of instituting proceedings for the apprehension of criminals is by means of a warrant of arrest issued by a local justice of the peace or alderman, the sheriff, or the district attorney to an authorized ministerial officer such as a constable or deputy sheriff. Arrests are usually made on information given under oath before a justice of the peace. If a *prima facie* case is made out, the justice of the peace may bind over the accused for trial in the court of quarter sessions and oyer and terminer. The judges of the court of quarter sessions and oyer and terminer may also issue writs, warrants, and other processes to the sheriff or to the coroner when circumstances demand. In cases of arrest by warrant, the constable or other officer must take the person named therein into custody. In order to do this, he is further empowered to call citizens to his assistance. Arrests may also be made without a formal warrant for an offense which an officer sees committed. In cases of this nature, it is the duty of the officer making the arrest to take the accused without delay before a justice of the peace for formal accusation and hearing before he is incarcerated. In 1909, however, the sheriff, constables and members of the State Police were empowered to detain suspects for 48 hours in lockups and prisons until their cases could be disposed of according to law.

Bills of indictment and information, which are both written statements accusing the defendant of an offense punishable by law, are prepared by the district attorney on behalf of the Commonwealth. The use of information is limited by the Pennsylvania Constitution to cases arising in military service, or by permission of the court, to cases involving oppression or misdemeanor in office. After a bill of indictment has been prepared by the district attorney, it is laid before the grand jury, twelve of whom must concur in order to find a "true bill," thus placing the prisoner on trial. The coroner may also make returns to the courts after an inquisition, and similarly, local constables are required to make returns of all offenses punishable at law, whereupon it becomes the duty of the district attorney to frame the indictment. Bills of indictment may also be based on presentments or reports of the grand jury made after investigation of public evils by direction of the court or on the knowledge of the jurors themselves. In cases of great urgency, the district attorney may present an indictment before a grand jury without previous binding over or commitment of the accused. It is the duty of the district attorney to bring witnesses before the grand jury, superintend the examination of witnesses, and give instructions on all



questions of law. The district attorney may appoint detectives to aid in collecting evidence to be presented to the grand jury.

The prosecution of persons accused of crime begins after the bill of indictment has been brought into court as a "true bill" by the foreman of the grand jury. The district attorney represents the Commonwealth in criminal prosecutions.

After a verdict of guilty has been rendered by the jury, the court of quarter sessions and oyer and terminer passes sentence. It may sentence the prisoner to a State penitentiary or to the county jail. The length of prison term for each type of offense is prescribed by law. Women over sixteen years of age are committed to the State Industrial Home at Muncy, since they may not be imprisoned in a State penitentiary. Male criminals between the ages of 15 and 25 not known to have been sentenced previously to any State prison may be sent to the Pennsylvania Industrial School at Camp Hill.

Dependent, neglected, and delinquent children under eighteen may be placed, after a hearing by the juvenile court, in the custody of any society organized for the protection of children, or of approved families, or committed to an industrial or training school. It is the duty of the sheriff or one of his deputies to deliver prisoners and insane persons to the place of commitment.

*Finance.* Prior to the establishment of the office of controller in Lehigh County, the county commissioners met annually to estimate the probable expenditures of the county for the following year. At present, however, the duty of preparing a budget as a check on county expenditures has devolved upon the controller.

The Pennsylvania Constitution provides that taxes be uniform upon the same class of subjects, within the territorial limits of the authority levying the tax, except that the General Assembly may exempt from taxation public places used for public purposes, places of burial not held for private or corporate profit, charitable institutions, churches, and property owned by military organizations. Two classes of property, real and personal, are taxable for county purposes. Real property includes land and structures attached to the land. Personal property consists of tangible items such as furniture, cattle, and machinery; and intangibles, such as mortgages, notes, stocks, and bonds. At the discretion of the county commissioners, trades and occupations may also be subject to a county levy.

The county commissioners as the board of assessment and revision of taxes are the chief assessing authorities, supervising the chief assessor in the preparation of assessments of property. Returns are made by the assessors to the chief assessor, who prepares the assessment roll

and submits it to the board on or before September first of each year. It then becomes the duty of the board to hear appeals from people dissatisfied with the assessment of their property, and make revisions of the assessments. The tax collectors pay over to the county treasurer all moneys collected for county taxes.

Lands on which taxes remain unpaid may be sold by the sheriff or the county treasurer. A claim for taxes constitutes a lien against the land in any sale in execution proceedings and has priority over other liens. All land failing to find a buyer at such sales is purchased by the county commissioners and may be redeemed within a fixed period of time by the owner. Unredeemed lands, both seated and unseated, may be sold by the commissioners at a public sale.

The issuance of licenses and the collection of license taxes is performed by various county authorities on behalf of the Commonwealth. The county treasurer functions as an agent of the State in issuing licenses to hunters, fishermen, operators of kennels, and owners of dogs, and collects taxes for the licenses issued. The register of wills as clerk of orphans' court is the Commonwealth's agent for issuing marriage licenses and collecting license fees, and the sheriff issues licenses and collects taxes for firearms. All license taxes collected by these officers must be paid into the State Treasury where these funds form part of the State's revenue.

Since 1921 the counties have received contributions from the State Liquid Fuels Tax Fund. Fines, forfeited recognizances, and other forfeitures imposed in court are in most cases paid into the State Treasury according to existing laws. Fines and forfeitures not covered by these laws, and those collected for the violation of any ordinance, are paid to the county. Under the provisions of the Federal Social Security Act, Federal grants are made available to the State for the care of neglected children in rural areas, for the aged, for the blind, for maternal and child welfare, for crippled children, for vocational rehabilitation, and for public health work.

Until the office of controller was established in Lehigh County, claims against the county were submitted to the county treasurer, and payments were made on warrants drawn by the county commissioners. Since that time, all claims have had to be approved and audited first by the controller. Money is paid out by the county on warrants drawn by a majority of the county commissioners and countersigned by the controller. At first, accounts of county officers were audited by the county auditors, but at present the controller of Lehigh County has this responsibility.

The county commissioners may issue bonds for certain purposes permitted by law. Without the consent of the electorate, neither municipalities nor counties may incur debts in excess of 7 per cent of the assessed valuation of the taxable property therein. Even with such assent the indebtedness may be increased only to an additional 2 per cent of the assessed valuation. Methods by which the funded debt of a county might be paid were prescribed by an act of 1911 which set up a county sinking fund commission to administer funds applied toward the ultimate reduction of the bonded indebtedness of the county.

*Elections.* To be entitled to vote, a person must be at least 21 years old, an American citizen for one month or more, and a resident of the State for at least one year before the date of election, and of the election district for two or more months. If a once qualified elector or native-born citizen has moved away from the State and later returns, he is required to have been in residence in the State for only six months next preceding the election. The qualifications of electors at primaries are the same as those of electors entitled to vote at elections, but, in addition, they must be registered members of the political party whose ballot they receive. Until 1933 there was a tax payment qualification for suffrage.

Before the passage of the permanent registration acts of 1935 and 1937, the process of registering voters in Pennsylvania had already begun. Registration progressed through three stages: First, the preparation of registry lists by local assessors in the municipalities; second, the annual personal registration of voters instituted for all classes of cities in 1906; and third, permanent personal registration of electors adopted for third-class cities in 1935 and for boroughs and townships in 1937. The county commissioners act in an *ex officio* capacity as the county registration commission, and appoint clerks and registrars to take care of the processes of registration. Once a person has registered, he never needs to re-register unless he fails to vote at all during a two-year period, changes his address, or wishes to change his political affiliation.

The qualifications of candidates seeking office are prescribed by the Constitution. No person may be appointed to any office within the county who has not been a citizen and an inhabitant thereof for at least a year before his appointment. A candidate is usually nominated in the direct primary according to party rules and regulations.

All primaries and elections are conducted by ballot except in districts in which voting machines have been authorized. Prior to 1937 all ballots were provided for and ordered printed by the county commissioners, and thereafter by the county board of elections. On primary ballots the names of candidates are arranged under the name of the office sought.



The order of candidates' names is determined by the casting of lots. In general elections, candidates' names are arranged under the title of the office sought and under their respective political parties. The order of listing political parties is determined by the number of votes obtained by the presidential electors of the parties at the last Presidential election. If voting machines are used, the same rules are followed for the arrangement of names.

All elections are held on the Tuesday after the first Monday of November. General elections, at which National and State-wide officers are voted upon, are held in even-numbered years, and municipal elections, at which local officers are elected, take place in odd-numbered years. By a two-thirds vote, the General Assembly may change the day of election, but not the year. There are two regular direct primaries. One primary is held in even-numbered years on the third Tuesday in May, except in the year of the Presidential election when it is held on the fourth Tuesday in April. The other primary takes place on the third Tuesday of June of odd-numbered years. Before 1945 it was held on the second Tuesday of September. Special elections are held to fill vacancies in Congress or the General Assembly.

Each township and borough not divided into wards, and each ward of every city, borough and township, constitutes a separate election district. The court of quarter sessions, however, may subdivide election districts upon petition of twenty registered electors or the county board of elections.

In 1799 precinct election officers were made elective officials, and in 1839 provision was made for their election on a bipartisan basis. The present Constitution recognizes these offices, and their duties are defined by the Election Code. In each election district, primaries and elections are conducted by the local board, which consists of a judge of elections and a majority and a minority inspector, assisted by clerks, and where voting machines are used, by machine inspectors. Judges and inspectors are elected biennially by the voters of the election district. The board appoints the machine inspectors, and the majority and minority inspectors appoint the clerks. In 1868 provision was made for the appointment by the court of common pleas of two overseers belonging to different political parties, upon petition of at least five citizens of the election district. Local elections are supervised by watchers. Each candidate for nomination or election is entitled to two watchers in each election district.

The duty of furnishing election districts with polling places has devolved successively upon the county commissioners and the county board of elections. Polling places must consist of a single room and be fur-



nished with a guardrail. The local law enforcement officers, such as constables, police officers, and the sheriff or his deputy, are responsible for the maintenance of order at polling places.

As early as 1813, a statute was enacted permitting citizens of Pennsylvania serving in the army to vote. Since this section of the law was subsequently declared unconstitutional, an amendment was made to the Constitution of 1838, and later embodied in the present Constitution permitting citizens in military service under requisition of the President of the United States or by the authority of the Commonwealth, to vote while absent from their election districts. The Absentee Voters Act of 1923, permitting others to vote while away from their voting districts, was declared unconstitutional.

Prior to 1937 the returns of municipal and general elections were forwarded by precinct election officers, after they had counted the votes cast, to the prothonotary who presented them to the court of common pleas. The judges computed the returns and gave certificates of election, under the seal of the court of common pleas, to the proper persons. Returns of primaries were sent to the county commissioners for computation. The authority of the court of common pleas and county commissioners in this respect was wholly ministerial, since they merely tabulated the returns as indicated on the face of the precinct return sheets. Since the passage of the Election Code all election returns are sent to the county board of elections. At the close of the polls the number of votes must be counted, certified, and signed by the judge and inspectors. The county board of elections also computes and canvasses the returns to provide an effective check on the returns as computed by the local election officers.

*Education.* A system of free public schools was established by the Free School Act of 1834 as amended the following year. This law declared every township, borough, and city a separate school district, and provided for a local board of school directors for each district. Any district desiring to accept the provisions of the act might do so. Allentown and Hanover Township accepted the terms of the Free School Act in 1834. Lynn, Salisbury, and South Whitehall Townships accepted within the next few years. The remaining municipalities of Lehigh County were slow in accepting it, several waiting until it became compulsory in 1849. This was, in part, due to the fact that the predominantly German population of these portions of the county were opposed to free schools, both because they distrusted novelties and because they usually preferred parochial schools.

Although the public school system has always been an integral part of the State government, supervision between 1834 and 1854 was pri-

marily local. During this time district inspectors of schools, appointed by the school boards, carried out the mandates of the local bodies. In 1854 a county-wide system of supervision was introduced when the office of county superintendent of schools was established to supersede the local inspectors. Restrictions were imposed upon the authority of the county superintendent in 1867 when district superintendents were provided in those communities having a population of 10,000 or over and the latter office removed from the jurisdiction of the county superintendent. In 1901 the office of supervising principal was authorized for districts of the third and fourth classes having no district superintendent, but this office continued to be under the direct supervision of the county superintendent.

The School Code of 1911 provides for the grouping of school districts into four classes, based on population. In Lehigh County there were in 1940, one second-class school district, two third-class districts, and 22 fourth-class districts. The second-class and third-class districts have their own district superintendents, but the remaining districts are under the direct supervision of the county superintendent of schools.

The public high school was established in 1887 in cities and boroughs which were divided into wards. After 1893 any borough of at least 5,000 population was permitted to have a high school. In 1895 provision was made for the establishment of high schools in every district of the State. The High School Act of 1905 required that every district not maintaining a high school pay the tuition of its pupils in another district. The School Code of 1911, which repealed all of these acts, made provision for a complete system of secondary education and encompassed within its bounds all of the above-mentioned provisions in some slightly altered form.

Vocational education or training in agriculture, home economics, and industrial education was provided for by the Showalter Act of 1917, which accepted provisions of the Federal Smith-Hughes Act granting Federal aid. Continuation schools were authorized by the Coxe Child Labor Act of 1913. The Federal George-Reed Act of 1929 provided for additional funds for agriculture and home economics education. This work is carried on in rural high schools under the supervision of the county vocational education adviser and the county home economics education adviser, both of whom are State employees. In 1911 the General Assembly provided for extension education for boys and girls who are employed, and for adults whose earlier education had been restricted. An act of 1941 provides that the Superintendent of Public Instruction may "establish, supervise, and conduct," through the school districts, schools and classes in practical arts and vocational, commercial, indus-

trial, agricultural, and home economics work. These schools and classes are not to supplant already established schools. They are to work in co-operation with employment offices for the purpose of training and re-training unadjusted out-of-school persons over sixteen years of age who need such work to be able to enter, re-enter, or continue employment. The State makes appropriations to districts maintaining vocational schools.

At first, one-room schools were usual because of the scattered population. There has been a growing movement to consolidate schools in order to secure better educational facilities and a more efficient system of operation. An act of 1901 provided for the consolidation of township schools, the establishment of township high schools, and the transporting of pupils to these central schools at the expense of the district. In 1919, school directors were required to discontinue one-teacher schools having an average term attendance of ten or less, unless the State Council of Education permitted their continuance. A further stimulus was provided in 1925 when the State agreed to pay as much as 75 per cent of the transportation costs of those pupils. The State Council of Education has established standards for motor vehicles transporting children and for stations in rural areas. In connection with the establishment of consolidated schools, the task of selecting sites, determining routes, and making contracts for transportation of children is a function shared by the local district authorities with the county board of school directors, an agency established in 1937.

All real estate taxable for county purposes is likewise subject to a levy for school taxes by the school directors. To help in the levying of school taxes, the board of assessment and revision must furnish to each school district of the third or fourth class, except those third-class districts coextensive with cities of the third class, a certified duplicate of the last adjusted valuations of all realty, personalty, and occupations. Taxes for school purposes may not exceed 25 mills on the dollar. In addition, the school board may levy on each adult resident of the district a per capita tax of from \$1 to \$5. Budgets for the school districts are prepared by the local boards of school directors. School district accounts are audited by the auditor or controller of the municipality in which the school district is located.

In addition to elementary, secondary, and vocational schools operated by the school districts, there are numerous State-owned and State-aided schools for the teaching of handicapped pupils. The Pennsylvania Institute for the Instruction of the Blind at Philadelphia and the Western Pennsylvania School for the Blind at Pittsburgh are private but State-aided institutions, as are the Western Pennsylvania School for the Deaf



at Pittsburgh and the Pennsylvania School for the Deaf at Philadelphia. The Pennsylvania State Oral School for the Deaf at Scranton, and the Home for Training in Speech of Deaf Children at Philadelphia, are State-owned schools. Children between the ages of six and 21 sent to special schools for the deaf and blind are the joint responsibility of the school district of which the child is a resident and the Commonwealth. The school district pays 25 per cent of the cost of tuition and maintenance, and the State pays the rest. In addition, the State may pay as high as \$500 a year for the higher education of qualified deaf and blind students. Specialized institutions operated by the State are the Thaddeus Stevens Industrial School for indigent orphan boys between sixteen and eighteen, the Pennsylvania Soldiers' Orphan School Home, and the Pennsylvania State Nautical School.

When the Free School Act of 1834 was passed, the majority of teachers had completed only the upper grades of common school. At that time inspectors of school districts were empowered to adopt requirements for the certification of teachers. In 1857 the Normal School Bill was passed dividing the State into twelve districts, subsequently increased to fourteen, in which private normal schools might be established. In 1911 the State was authorized to purchase these institutions which, in 1929, were reorganized as State Teachers Colleges giving a four-year course. The present standards for certification were adopted by the State Council of Education in 1937. Temporary certificates are granted to elementary teachers after three years of training, and provisional college certificates after four years of preparation. Teachers in the secondary schools must be graduates of an accredited four-year institution, and possess provisional college certificates. The certification of teachers under the present school law is effected through the State Office of Teacher Education and Certification, but in case of emergency, by the county or district superintendents. The Placement Service of the State Office of Teacher Education and Certification assists local school districts in securing qualified teachers.

In addition to the local support of schools by taxation, and the State and Federal aid shown above, the State has set up a State School Fund, from the proceeds of which financially distressed school districts are aided. The money for this fund is chiefly secured from the receipts "derived from or on account of the State Forest reservations" and from the proceeds of sales of real estate by the State Treasurer.

*Public Health, Planning, and Recreation.* The county commissioners are given numerous specified powers to provide for the health and general welfare of the people through the erection of certain types of county hospitals, the creation of various boards and commissions de-



signed to foster health, planning and recreation, and the making of appropriations to organizations carrying on this work. In addition, the citizens of the county may take action to establish a county tuberculosis hospital.

The maintenance and care of the indigent insane, epileptics, inebriates, and mental defectives are primarily the responsibility of the Commonwealth, although provision is also made for their support by their families and the county.

In addition, local health officers, under the general supervision of the State Department of Health, are active in the prevention of contagious diseases and in enforcing local health mandates. The county medical inspector, appointed and paid by the State Department of Health, corrects oversights of local health authorities in the control of contagious diseases, is active in conducting medical inspection in rural schools, and is responsible for the investigation and care of cases of inflammation of the eyes of new-born children.

*Vital Statistics.* County responsibility for the keeping of vital statistics was vested in the register of wills from 1852 until 1855 and in the clerk of orphans' court from 1893 until 1906. In 1885 State responsibility over these matters was inaugurated with the authorization for the State Board of Health to receive vital statistics communications from local health officers. Twenty years later, the State Department of Health was established with authority over the registration of births, deaths, marriages, diseases, practitioners of medicine and surgery, nurses, undertakers, and veterinarians. A State Board of Health and Vital Statistics was then created to have charge of the registration of births and deaths only. The State was divided into registration districts, and the board appointed a registrar for each district. Every municipality of the county constitutes a primary registration district, any two or more of which may be united into one registration district. Each of the registration districts of Lehigh County is under the direct supervision of the local registrar, appointed by the Secretary of Health for a four-year term and paid by the county on a fee basis.

The local registrar preserves in his office a duplicate of each birth and death certificate registered by him. The originals are sent once a month to the State Registrar of Vital Statistics. Certified copies of birth and death certificates dating from January 1, 1906, are available at the Bureau of Vital Statistics in Harrisburg. A fee of 50 cents is charged for each search, and \$1 for each issuance of a certified copy.

An act of 1941 provides that the Bureau of Vital Statistics must accept for filing, in lieu of the formerly required certificate, other desig-

nated types of records which then have the effect of a birth certificate for any person who now has no birth record on file in Harrisburg. Anyone aggrieved by the refusal of the Bureau of Vital Statistics to accept the records which he offers appeals to the orphans' court of his own county. The decision of the orphans' court is final. There is a fee of \$2.50 for filing these records with the Bureau of Vital Statistics and a fee of \$1 for the issuance of a copy. Records of the Bureau of Vital Statistics are also made more complete by reports of the prothonotary and the clerk of orphans' court of all divorces, annulments of marriages, and adoptions granted in the county.

*Public Welfare.* During the early years of the existence of Lehigh County, poor relief was administered in each township and borough by two elected overseers. Outdoor relief was authorized by the overseers in the form of orders for food, rent, clothing, or fuel, and poor children were indentured by contract. In 1884, however, poor relief in Lehigh County began to be administered on a county-wide basis, under the supervision of three elected directors of the poor. Under this system it became more economical to provide for many of the poor people in the county almshouse. In 1937, all existent poor districts were abolished and supplanted in each county by a county institution district which is under the control of the county commissioners.

Another innovation occurred in 1913 when outdoor relief was provided for special groups, if counties agreed to participate in State programs. This was first granted in the form of mothers' assistance. The commissioners of Lehigh County agreed to participate in this program in 1921, whereupon the Governor appointed a mothers' assistance board to administer the funds. In 1934 the scope of this work was extended to include old age and blind assistance where the State enacted appropriate legislation in order to benefit by the grant-in-aid provisions of the Federal Social Security Act. In 1937, the mothers' assistance board was abolished and replaced by the county board of assistance which takes care of the administration of all these forms of outdoor relief, in addition to general assistance to the unemployed.

A service made possible through the welfare provisions of the Social Security Act is the extension unit for child welfare service in areas predominately rural. This service operates under the State Department of Welfare, which is active in developing a program of social service for children needing institutional care or boarding in private homes.

Veterans' relief is administered by the State Veterans' Commission of the Department of Military Affairs. The commission operates through local veterans' organizations in disbursing State funds. Special State

pension funds for disabled Revolutionary War veterans and their widows were provided for as early as 1813, and payments made by the county treasurer from State funds in his hands were authorized in 1834. These provisions were extended to include Civil War veterans in 1865.

*Public Works.* The construction of public roads and bridges has always been primarily a township function although in recent years local authority has been supplemented by county and State aid. Municipal authorities may levy an annual road tax and may divide the township into appropriate road districts. County aid, however, has been authorized for the construction and improvement of State, State-aided, and other highways, for land damages to owners of private property confiscated in the construction, widening, and changing of grades for State highways and State-aided highways; for the construction, repair, and maintenance of bridges, and causeways and embankments for bridges, and for sidewalk construction.

Today there are numerous provisions giving detailed procedure to be adopted by the county in the construction and repair of roads and bridges. Its functions in these matters may be summarized as follows: It may build and maintain county roads and bridges, aid subordinate municipalities in various phases of the work, contribute to the construction and improvement of State highways, open new roads and bridges to be maintained by the municipalities in which they are located, and take over and maintain bridges built by boroughs and townships. The county may delegate to the municipalities a share of its allotment from the Liquid Fuels Tax Fund.

In charge of preparing plans, specifications, and estimates of the county in the construction of public works is the county engineer, an appointee of the county commissioners. Viewers to determine the necessity for building roads and various public works and for estimating damages to property are appointed by the court.

It is the duty of the county commissioners to build and maintain necessary public buildings and, with the approval of the grand jury and the court of quarter sessions, to alter or enlarge them. Specifications for certain county buildings require approval of State authorities.

*Agriculture.* The Lehigh County Agricultural Extension Association functions in accordance with the provisions of the Federal Smith-Lever Act which provided for agricultural extension work. The responsibility for the administration of funds for this purpose is vested in an agricultural college in cooperation with the United States Department of Agriculture. In addition to the direct appropriation, the State or county may by matching funds, avail itself of an additional



appropriation. The Pennsylvania General Assembly agreed in 1913 to accept the Federal legislation, and authorized the county commissioners to appropriate a sum not exceeding \$1,500 annually for agricultural work. In 1931 this sum was increased to \$5,000. The commissioners may also provide offices for the association.

The chief administrative officer is the county farm agent, an employee of Pennsylvania State College. The work of the association is primarily educational, and its object is to instruct farmers and others in the best practices in agriculture. This is accomplished through demonstration meetings, farm and home visits, and pamphlets.

*Records System.* Since 1790, miscellaneous legislation has been enacted relating to the supervision and keeping of public records. In that year the county commissioners, with the approbation of the court of quarter sessions and of the grand jury, were directed to erect a building of brick or stone for holding courts and for the safe-keeping of the records of the register of wills, recorder of deeds, and the clerks of the various courts. In 1827 the court of common pleas was given supervision over the records of these clerical officers. The judges have to inspect these records annually and may order the rebinding of all books and records which require it. The preparation of indexes for these records is done under the direction of the court, which must also see that all negligences and deficiencies in record keeping are corrected. The judges may alter the mode of preparing indexes and direct the preparation of new indexes. Whenever a transcription is made by order of the court, the proper officer must certify that it is the true copy of the original records.

The books required by the officers of Lehigh County must be supplied by the commissioners at the expense of the county. In 1937 county officials were authorized to record any document by photostatic, photographic, or other mechanical device.

The laws of Pennsylvania do not specify that any particular accounting system be adopted in the keeping of county financial records. In 1935, however, the Department of Internal Affairs of the Commonwealth was given power to prescribe uniform budget and annual report forms for counties.

There are certain general statutory provisions concerning county records. Whenever a county has been divided and from it a new county formed, all mortgages, judgments, verdicts, orders, and all records affecting lands in the new county but made in the original county may be copied and certified by the officer having custody of them and entered by the same officer in the new county as part of the records of his



office. All county officials must be given the records and documents of their predecessors, and any officer refusing to surrender his official papers is guilty of a misdemeanor, and is subject to a fine or imprisonment. The county commissioners, controller, treasurer, sheriff, register of wills, recorder of deeds, prothonotary, the clerk of the court of quarter sessions and oyer and terminer, and the district attorney are required to keep public records at the county seat, under a penalty of \$500. All minute books and fiscal records and documents are open to the inspection of every taxpayer. If any county officer should refuse to allow inspection, the taxpayer may, upon court order, be permitted to examine the records.

### III. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

The Lehigh County Courthouse is located at Fifth and Hamilton Streets, in the City of Allentown. It is an attractive colonial building of gray stone, surmounted by a wooden bell tower painted white.

The work on the courthouse was commenced in 1814, and completed at a total cost of \$24,937. The first court was held there in August, 1817.

Except for occasional repairs, the courthouse remained in its original condition until 1864. In that year the courtroom was enlarged, and the entire building renovated and refurnished at a cost of \$57,235. The first court in the enlarged courtroom was held on November 10, 1864. In 1914 an addition to the courthouse was erected at a cost of \$199,000. This building, of smooth gray stone, is exceptionally well-lighted and ventilated, as is the original building.

The records of all offices are in good condition, well arranged and easy of access; the bound volumes are on steel roller shelves and the unbound records are in steel file boxes and drawers.

All records are open to the public, except those of the district attorney, the probation and parole offices, naturalization, and divorce records, all of which are case histories of a private nature. The attic storeroom contains records of all offices, carefully arranged in numbered wooden closets. In the attic is a large chart indicating the names of the offices and the numbers of the closets containing their records.

*Board of County Commissioners.* The commissioners' office which is located in the basement, contains only four per cent of their records; the basement vault contains one per cent. Five per cent are in the personal property and assessments office on the first floor. Five per cent are in the office of the collector of taxes which is in the treasurer's office on the first floor. One per cent is in the office of the director of veterans affairs which is located in the courthouse annex, on Hamilton Street. Eighty-two per cent are in the attic storeroom closets and two per cent are in the attic storeroom vaults.

*Recorder of Deeds.* The recorder's office, located on the first floor, contains 97 per cent of the records. The county commissioners' basement vault contains two per cent, and the remaining one per cent is in closet number 31 in the attic.

*Prothonotary of the Court of Common Pleas.* Forty per cent of the records are in the prothonotary's first floor office, while the office vault

contains fifty per cent. Of the remaining records, one per cent is in the court stenographer's office and one-half of one per cent is in the law library, both on the second floor. The attic storeroom closets contain eight and one-half per cent.

*Clerk of the Court of Quarter Sessions and Oyer and Terminer.* Fifty-four per cent of these records are in the attic storeroom closets, fifteen per cent in the office of the clerk, which is located on the first floor of the courthouse, twenty-eight per cent in the office vault, two per cent in the court stenographer's office, and one per cent in the commissioners' basement office.

*Register of Wills and Clerk of Orphans' Court.* The register of wills' records and the orphans' court records are kept in separate offices on the first floor of the courthouse.

*Sheriff.* The sheriff's office, on the first floor of the courthouse, contains thirty-five per cent of the records. Twenty-three per cent are in the prothonotary's office and sixteen per cent are in the prothonotary's vault. Attic storeroom closet number 31 contains two per cent, while the attic storeroom vault contains twenty-four per cent.

*Coroner.* The coroner's office contains seventy-two per cent of the records, and the remaining twenty-eight per cent are in the attic storeroom closet number 48.

*Prison Inspectors.* Seventy-five per cent of the records are in the office and twenty-five per cent are in attic closet number 21.

*Prison Warden.* All records are kept at the prison, in the warden's office.

*Probation and Parole Officer.* Seventy-two per cent of the records are in the probation and parole office which is located on the first floor of the courthouse. The remaining records are in the attic—ten per cent in closet number 47, and eighteen per cent in the storeroom vault.

*Jury Commissioners.* The jury commissioners' room on the second floor of the courthouse contains no records. Ninety per cent are in the attic storeroom closet number 20, and ten per cent are in the sheriff's office.

*Board of Assessment and Revision.* All records are kept in the county commissioners' office.

*Treasurer.* The treasurer's office on the first floor contains ninety-one per cent of the records. Three per cent are in the commissioners' office, three per cent in the personal property and assessments office on the first floor and three per cent in attic storeroom closet number 32.

*Controller.* Twenty-two per cent of the records are kept in the controller's office, on the second floor of the courthouse. The storeroom

closets contain sixty per cent, and eighteen per cent are in the attic storeroom vault.

*Sinking Fund Commission.* The sinking fund commission, which meets in the commissioners' office, has one book of records which is kept in that office.

*Salary Board.* This board likewise meets in the commissioners' office, and keeps its records there.

*Registration Commission.* In the office of the registration commission, which is located in the basement of the courthouse, are kept seventeen per cent of these records. Seventy-seven per cent are in various attic storeroom closets, four per cent in the county commissioners' office, and two per cent in the personal property and assessments office on the first floor of the courthouse.

*County Board of Elections.* This board has an office in the courthouse basement. Only two per cent of the records are kept there. Of the remaining records, fourteen per cent are in the county commissioners' office, one per cent in the prothonotary's office vault, twenty per cent in the attic storeroom closet number 21, and sixty-three per cent in the attic storeroom vault.

*County Superintendent of Schools.* The superintendent's office in the courthouse annex on Hamilton Street contains ninety-five per cent of these records. All other records are in the third floor storeroom.

*Institution District Board.* The institution district board has twelve per cent of its records in the office at the county home, three per cent in the office vault, one per cent in the commissioners' office, and eighty-four per cent in the laundry attic storeroom at the home.

*Surveyor.* All records are in the attic storeroom closet number 20.

*Engineer.* All records are in the office, which is located in the courthouse annex.

*Board of Viewers.* All records are kept in the county commissioners' office.



#### IV. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

alph.	alphabetical (ly)
arr.	arranged or arrangement
aver.	average
bdl.	bundle (s)
boro (s)	borough (s)
bsmt.	basement
chron.	chronological (ly)
Comm.	Commonwealth
comms.	commissioners
Const.	Constitution
f.b.	file box (es)
f.d.	file drawer (s)
fm.	form (s)
hdw.	handwritten
ibid.	ibidem (in the same place)
No.	number preceding a numeral
no. (s)	number (s)
num.	numerical (ly)
off.	office
par.	paragraph
proth.	prothonotary
ptd.	printed
sess.	sessions
strm.	storeroom
twp. (s)	township (s)
vlt.	vault
vol. (s)	volume (s)

The arrangement of the inventory is such that the records of the executive branch of the government are introduced first, followed by the judicial, law-enforcing, fiscal, and miscellaneous agencies. A description of the legal development of each county office or agency precedes the inventory of the records of the office or agency. Whenever feasible, a subject heading has been given to all records of the same type written in office.

In the inventory proper, the title of records are exactly as indicated on volumes and file boxes. Where various titles have been assigned to

the same records, the current or most recent title has been used. Explanatory additions to inadequate titles and correction of erroneous titles are endorsed in parentheses and have initial capitals.

In the absence of titles, assigned titles written in upper case and enclosed in parentheses are used.

The date spans of records are shown on the title line of each entry. Continuously kept records are shown by a hyphen between the beginning and closing dates, as 1868-69. Missing records or lapses in records are indicated by a comma between the groups of inclusive dates, as 1839-58, 1864-1913. Current dates are indicated by a dash, thus, 1918—.

Letters or numbers in parentheses indicate the exact labeling on volumes or file boxes; the labeling follows directly after the quantity to which it applies. If the volumes or file boxes are unlabeled, no labeling is indicated.

Cross-references are used to complete series of records kept separately for a period of time and in other records for different periods of time, as in entry 33, "1889-1913 in Ledger, entry 42."

Cross-references from entry to entry, and "See also" references under subject headings and subheadings are used to show prior, subsequent or related records which are not part of the same series.

If a separate index serves but one record, it follows immediately after the entry; if it serves a widely separate group, then it precedes the most appropriate record entry of the group. A cross-reference is always made from an index entry to entries covering records which the index serves. Self-contained indexes are explained in the record entries containing them.

Since measurements are always in inches, the symbol ("") has been omitted. The dimensions for volumes and bundles are always given in the sequence of height, width, and depth.

In references to the Constitution of Pennsylvania, if no date is given, the reference applies to Constitution of 1874; in all other references to the Constitution, the dates 1776, 1790, and 1838 are specified.

All records found by the survey are listed. Where no statement is made that the record was discontinued at the last date shown in the entry, it could not be definitely established, that such was the case. Where no comment is made in the absence of prior or subsequent records, no information could be obtained.

Records are assumed to be in good condition unless otherwise indicated. The locations and quantities given for the records are the locations and quantities at the time the survey was made. These are, of course, subject to change.

## **PART B. COUNTY OFFICES AND THEIR RECORDS**

### **I. BOARD OF COUNTY COMMISSIONERS**

#### **Evolution and Structural Organization**

The office of county commissioner was established in 1711 to take over from the court some of its duties in relation to the assessing and levying of taxes. From time to time the commissioners have been given additional duties originally belonging to the court, and in addition they have received many new responsibilities. As a result, the board of county commissioners is now the chief administrative body of the county. The office has always consisted of three members, and has been an elective one since 1722, with a three-year term of office until 1909 when the tenure was increased to four years. The county commissioners were mentioned in the Constitution of 1776, but did not acquire full constitutional status until 1874.

Like all county officers, a county commissioner must have held citizenship and residence in the county for at least a year before his election. Until 1874 the commissioners had overlapping terms of office, with one commissioner replaced every year. At present, the entire board is elected every four years, with each elector voting for but two candidates, thus providing for representation of the minority party. County commissioners may be re-elected. Vacancies are filled by the court of common pleas, with an appointee who had voted for the commissioner whose place he is taking. Before assuming office a commissioner takes an oath which is filed with the prothonotary, and posts a bond in the controller's office. At first the county commissioners were paid on a per diem basis for days actually spent in official duties. At present, however, each commissioner receives \$5,000 a year and expenses.

#### **Functions and Records**

The corporate power of the county is vested in the commissioners, any two of whom constitute a quorum. They have custody of the county seal which is affixed to all their official documents. They may sue and be sued on behalf of the county. On petition to the court of common pleas, which fixes a hearing date, the commissioners may sell or release any of the county property. County commissioners may perform only

those duties given to them by law. In the performance of these duties, they and their clerk may administer oaths.

Many of the duties of the county commissioners still relate to the fiscal affairs of the county. Every year the county controller makes an estimate of the probable expenditures of the county for the year to come. After approval by the commissioners it is used as the official county budget upon the basis of which the commissioners levy the taxes. It may not be finally adopted by the commissioners, however, until it has been available for public inspection for twenty days. Within fifteen days after its adoption, the commissioners file a copy of the budget with the Department of Internal Affairs. During the year the county may not spend more money than the total amount indicated in the budget, but during the last nine months of any year, they may transfer any unencumbered balance from one spending agency to another. In addition, the commissioners may at any time by resolution make supplementary appropriation for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not otherwise appropriated. These include the proceeds of any legally authorized borrowing. The tax rate for the county is fixed by the county commissioners when the assessment roll has been received. The law forbids a higher tax rate for general county purposes than ten mills on each dollar of the assessed valuation of real and personal property. In order to meet the running expenses of the county, the commissioners may borrow money secured by the current unpaid taxes. All such loans must be repaid within a year.

Until 1943, a complete assessment was made every three years of all property within the county, and in the intervening years the only property assessed was that on which a great change in value occurred since the last triennial assessment. Precepts for the making of assessments were issued by the county commissioners, to whom returns were made by the assessors. The commissioners examined the returns with the assessors and rectified any apparent errors. Thereupon, they formed a board of revision to hear appeals from people dissatisfied with the assessment of their property. In 1943, however, the assessment functions of the county commissioners and the board of revision were transferred to a new agency, the board of assessment and revision of taxes, which consists of the county commissioners *ex officio*.<sup>1</sup>

Formerly, various reports were sent to the county commissioners to help them in attaining accurate assessments. Once a month the recorder of deeds reported all deeds and conveyances of land and all mortgages and agreements to secure the payment of money which were presented

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<sup>1</sup> See chapter on Board of Assessment and Revision.



for recording. At the end of every month the prothonotary sent a list of all instruments securing debts which were recorded in his office. These reports now go to the board of assessment.

At first the commissioners of Lehigh County selected the tax collectors for each municipality of the county, choosing one of two nominees presented by the local assessors. From 1844 until 1919, however, the commissioners appointed as tax collector for each ward, township and district, the person who agreed to collect the taxes at the most satisfactory rate of commission. At present, the tax collectors are elected in each municipality of Lehigh County except for Whitehall Township and the City of Allentown where the township or city treasurer is *ex officio* tax collector. When a vacancy in the office of second-class township tax collector remains unfilled, the commissioners may appoint someone to serve out the unexpired term. If no resident of the township is available, the county treasurer is named tax collector. Tax collectors' oaths are filed with the county commissioners. The county commissioners must pay the premiums on the bonds of those delinquent tax collectors who are obliged to post a bond.

After the tax duplicates have been received, the commissioners furnish the county treasurer with the names of the tax collectors and the amounts of their respective duplicates. They also prepare a statement for the prothonotary noting the amount of taxes due and unpaid by each tax collector.

A record must be kept of all land on which taxes are unpaid. Where a property offered for sale by the county treasurer for nonpayment of taxes fails to find a buyer, the county commissioners pay the taxes and hold it themselves. If it has not been redeemed by the original owner within two years the commissioners sell it at public sale, giving a deed to the purchaser. The property may be sold at a private sale with the approval of the court of common pleas. With similar court approval, the commissioners may make an agreement with the former owner or his heirs to accept less than the whole amount due. The proceeds are then distributed in proportion to the claims of the various taxing authorities. All agreements for the redemption by installment payments of property taken over by the commissioners must be filed with the commissioners. Before selling any unredeemed unseated land, the commissioners must offer it to the State Department of Forests and Waters and the State Board of Game Commissioners. If either of these agencies want the land, it must pay for it an amount equal to the taxes due for not more than five years, plus the interest on that amount. At their discretion the commissioners may use unredeemed lands taken over for taxes as sites for parks or county forests. Whenever it becomes necessary for the

county commissioners to take over any property for nonpayment of taxes, they keep a record of it in a separate book, each year adding the new taxes which become due. Before the property is redeemed or sold, all delinquent taxes must be paid.

Many reports on matters concerning taxation must be sent to other agencies. The commissioners make an annual statement for the Secretary of Internal Affairs of all property taxable for county purposes and for the State Treasurer of all property taxable for State purposes. A list of the taxable inhabitants of the county is sent to the Governor and a duplicate to the court of quarter sessions. The commissioners send to the Department of Internal Affairs a detailed annual record of all taxes paid in the county and its political subdivisions, and any other information concerning the assessing and collecting of taxes requested by the Department.

All contracts involving expenditures of county funds are awarded by the county commissioners. It is a misdemeanor for them to be financially interested in such a contract. All contracts over \$100 except those concerned with bridge repairs must be in writing and filed with the controller. All over \$300 must be awarded to the lowest and best bidder.

All money spent by the county is paid out by the treasurer on warrants drawn by the county commissioners and approved and countersigned by the controller. The commissioners appropriate all money for county uses, either from the general county funds which are secured from the taxes which they levy, by levying an additional tax allowed by law for certain purposes, or by borrowing money within the legal limitations. For example, the salaries of county officers are paid from the general fund; roads may be built with the proceeds of a special road tax; and money may be borrowed and bonds issued to build a new courthouse. Prior to 1874, the legislature often passed special laws permitting a certain county to borrow or to levy a special tax or to use some of the county funds in various ways not generally permitted. A number of such laws were passed for Lehigh County. In 1863 they were authorized to erect a bridge over the Lehigh River at Allentown whenever the grand jury and court of quarter sessions should approve and when \$6,000 in private subscriptions should be received toward the cost of construction. At various times during the 1860's and 1870's they were permitted to borrow money and issue bonds for general or special purposes.<sup>2</sup> In 1868 they were given authority to sell the old county

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<sup>2</sup> 1863 P.L. 264; 1865 P.L. 447 No. 435; 1866 P.L. 258; 1867 P.L. 559; 1868 P.L. 604 No. 569; 1869 P.L. 796; 1870 P.L. 761 No. 699; 1871 P.L. 620; 1872 P.L. 335.

prison and its grounds and to pay into the treasury the proceeds of the sale.<sup>3</sup> Two years later they were authorized to erect sidewalks along a certain county bridge.<sup>4</sup> At present, however, all authority for spending money by the county is given in general acts.

The county commissioners are required to provide money for some purposes, and other appropriations are optional. The commissioners must select and buy all land for public buildings of the county. Before constructing, altering, or enlarging the county buildings, they must secure approval of the grand jury and the court of quarter sessions, and the plans for such buildings must be approved by the court. The commissioners must keep in repair the county roads and bridges. When the courthouse has been damaged, they select another place for temporary use. The commissioners may have a new jail erected outside the county seat. The old building may be removed or used for other purposes.

The county commissioners must provide the salaries of county officers, and all office furnishings, supplies, heat, light, telephone, and janitor service for each officer whose office is located at the county seat. With the consent of the grand jury and the court of quarter sessions, they build roads and bridges which are kept in good repair by the county. They must provide a jury wheel and all supplies and services needed for elections, including voting machines for any political divisions which decide to use them.

Various expenses connected with the maintenance of certain classes of people must be paid by the county commissioners. They furnish all food, clothing, and supplies used at the county prison and the poorhouse. They must provide separate accommodations for women jurors. The commissioners also provide a separate room at the county prison for juvenile offenders awaiting trial. The county pays for the maintenance of all inmates of the State penitentiaries, the State Industrial Home for Women, and the Pennsylvania Industrial School at Camp Hill who were convicted within the county. Whenever an inmate of either of the latter two institutions is convicted of a new crime committed while serving sentence there, his maintenance and the cost of the new trial must still be paid by the county from which he was originally sentenced. The county commissioners pay half the expenses of children in homes of refuge and the entire cost of maintenance of indigent persons in tuberculosis sanatoria. They must pay for the burial of all indigent people of the county.

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<sup>3</sup> 1868 P.L. 436 sec. 1.

<sup>4</sup> 1870 P.L. 191 No. 184 sec. 1.



The commissioners prepare an annual report for the Secretary of Welfare stating expenditures by the county for all matters relating to crime, including the expenses for criminal courts and for forfeited bonds. All petitions for the transfer of inmates from one institution to another must be sent to the county commissioners.

At first indigent insane persons were usually kept at the poorhouse. After 1883, however, all places in which two or more insane persons were detained were placed under the supervision of the Board of Public Charities and the Department of Welfare. From 1883 until 1941 the expenses for the maintenance of the indigent insane were divided between the State and the county or poor district. At present all indigent mental patients are cared for at State expense in State-owned or State-aided hospitals. The only exception occurs when a prisoner becomes insane. The county commissioners must then pay for his support in a mental hospital for the period of his original sentence. The State also cares for indigent mental defectives.

Whenever the court of common pleas decides that any of the county records are not in good condition, the county commissioners must pay to have them copied. The commissioners are obliged to provide law books for the use of the district attorney, and to have the rules of the various courts of the county printed for the use of the members of the bar. From 1893 until 1929 the commissioners had to subscribe to three weekly newspapers published in the county and to keep the bound volumes in their office.

The commissioners are obliged to keep at the county seat true standards of the legal weights and measures. They must be tested every five years. The county commissioners must have the meridian line marked somewhere in the county to see that all surveyors can adjust their instruments by it. In their office the commissioners must keep a book in which the surveyors of the county periodically mark the deviation of their compasses from the true meridian.

The board of county commissioners has always had a number of duties concerned with military affairs. Formerly it was in charge of preparing lists of those people liable for military service, determining who were exempt, collecting a tax or fine for exemption, and making an annual report of military enrollment to the Adjutant General. During the Civil War, the commissioners were permitted to provide relief for soldiers' families and to levy a tax to secure the money necessary to make such payments. The present military functions of the county commissioners relate chiefly to expenditures which it may make. It is required to provide funerals for veterans and widows of veterans who die in the county, to supply headstones for veterans' graves, to finance



the registration of such graves, and to buy new flags for them every year, and to see that they are kept in good order. Every year for Memorial Day the county commissioners must appropriate \$50 to every G.A.R. post in the county, except those posts located in third-class cities. Similar appropriations are made to organizations replacing no longer existent G.A.R. posts. The money is used for grave decoration, and if more than 500 graves are decorated by an organization, it receives \$100. The county commissioners likewise make appropriations to other veterans' organizations for the same purpose.

Formerly an important duty of the county commissioners was the payment of bounties to persons who destroyed undesirable wild birds and animals within the county. Both general and special<sup>5</sup> laws provide for such payments by the commissioners of Lehigh County. At present, however, all bounties are paid by the State.

The county has a few expenditures to make for educational purposes. The commissioners pay the expenses of the county teachers' institute. From 1911 until 1933 the county also compensated the teachers for attending the sessions, but now that expense is the responsibility of the school district. The commissioners provide the county superintendent of schools with an office, storage space, and various supplies. They are also required to pay the tuition and other expenses of orphans maintained by the county. This money may be recovered by the county, however, from the school district of which the child is a legal resident. Until the Free School Act went into effect the commissioners were required to pay for the schooling of all poor children of the county whose parents applied for such free education.

The compensation of owners of sheep and livestock destroyed by dogs was formerly a duty of the county commissioners. The money for these payments was procured from the proceeds of a tax levied on dogs. Since 1921, however, the State, through the county treasurer, has collected the dog tax. Damages to livestock and poultry and damages from the bite of a mad dog are paid by the State Department of Agriculture from the dog fund.

The law library of Lehigh County, located in the county courthouse, was established by the terms of a special act of 1869. It is supported by certain fines and forfeitures, by appropriations made by the county commissioners as directed by the president judge, and by additional appropriations made wholly at the discretion of the county commissioners.<sup>6</sup>

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<sup>5</sup> 1848 P.L. 160 No. 133 sec. 2; 1870 P.L. 582.

<sup>6</sup> 1869 P.L. 1166; 1901 P.L. 165 sec. 2. am. 1913 P.L. 450 No. 299; 1929 P.L. 1278 secs. 481-484 (sec. 483 am. 1931 P.L. 401 sec. 1).

In addition to these things which the board of county commissioners is required to provide for the county at large or for certain classes of its people, there are numerous appropriations which they may make either at their own discretion or at the bidding of the court, the grand jury, the electorate, or a combination of these agencies. On its own responsibility, the board may levy a tax of not more than two mills on the dollar for road construction and repairs, and it may borrow up to two per cent of the assessed valuation of the county for the same purpose. It may take over and maintain borough and township roads and bridges, rebuild destroyed bridges, including those not originally county bridges, and aid in the construction and repair of local roads and bridges. The board is allowed to enter into contracts with the Department of Highways under which it contributes to the Department for the construction and improvement of more mileage in the county than could be taken care of otherwise with the Commonwealth money. In such cases the Highway Department consults with the commissioners concerning the roads to be improved. The commissioners are permitted to procure the right of way of any abandoned railroad for future use as a road by the county.

When the commissioners have been authorized to build a county bridge they may construct a pedestrian bridge if they believe that such a structure alone will care for all the needs of traffic in that location. They are allowed to build dykes, causeways, banks and sluiceways to protect a county bridge from flood.

County associations of township supervisors, commissioners, and other persons concerned with the upkeep of county roads have been formed since 1913. The county commissioners may attend these meetings, but they are not permitted to vote. Moreover, the county pays the limited expenses of the associations.

County commissioners may appropriate and borrow money for flood control work, and they may cooperate with subordinate political divisions, in building sewers and sewage treatment plants and in constructing airports. Airports may be operated jointly with any other political subdivisions of the county, or with an adjoining county. Moreover, they may be leased by the county to any individual desiring to use them for aeronautical purposes. The county may enter into contracts with the Federal Government for airmail delivery and other aeronautical purposes. Either alone or in cooperation with other public agencies, the county may appropriate funds for engineering, designing, surveys, and construction work in connection with airports. The commissioners may appropriate money for repairing, preserving, and maintaining any public monument located within the county, and may join with the county seat in the erection of a joint county and municipal building.

The county commissioners may establish certain recreation facilities, such as parks, playgrounds, and swimming pools. Bonds may be issued and an extra tax levied to secure funds for recreation work. The commissioners may establish auditoriums and libraries, and may provide a digest of the laws and court decisions of Pennsylvania for the use of the justices of the peace. They are permitted to set up and maintain a children's home, a contagious disease hospital, a county home for delinquent women, and an industrial school for children committed by the juvenile court. The power to authorize the construction of additional buildings on the almshouse grounds is also vested in the commissioners.

From 1921 until 1937 the county shared with the State the expenses of mothers' assistance work, and from 1934 until 1937 it paid the administrative expenses of old age assistance and blind pensions. Since 1937, all of these matters have been completely the responsibility of the State and Federal Governments.<sup>7</sup>

Various miscellaneous appropriations may be made by the county commissioners. For instance, they are allowed to appropriate a limited amount to pay their expenses at the annual meeting of the State Association of County Commissioners. Their clerk and solicitor may accompany them to these meetings. They may purchase burial grounds for veterans, and may offer and pay rewards for the apprehension of criminals. The county commissioners are permitted to make appropriations to various organizations such as charitable hospitals and homes for children, tuberculosis societies, agricultural and horticultural societies, societies for the prevention of cruelty to animals, and county historical societies. They may also pay wholly or in part for the writing of a county war history, or other publications on the history of the county. Appropriations for health work may be made in cooperation with the State Department of Health and the boroughs and first-class townships of the county.

The county commissioners are permitted to help support a National Guard Company or an armory, and in time of war may appropriate money to civilian rifle clubs. Appropriations may also be made to build war monuments, furnish rooms for any of the veterans' organizations, or aid any naval reserve unit or amateur radio league.

The board of county commissioners may contribute as much as \$5,000 annually for agricultural extension work and may make appropriations for the suppression of animal and plant diseases in cooperation with the State Department of Agriculture. It may purchase any real estate which seems suitable for use for an agricultural fair, and if it is not

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<sup>7</sup> See chapter on Institution District Board.



used for that purpose within five years, the board may sell it with approval of the court of common pleas. The commissioners are permitted to appropriate and borrow money to aid in the establishment or continuance of the Federal Surplus Commodities Stamp Plan. They may make contracts for the insurance of county employees with any insurance company for nonprofit hospitalization or nonprofit medical service. The county commissioners of Lehigh County have always been very generous in making these optional contributions to various types of beneficial work. In 1940 they made appropriations to five National Guard units, three hospitals, the Lehigh County Historical Society, the Lehigh County Humane Society, the Lehigh County Agricultural Society, the farm bureau, the Trexler-Lehigh Game Preserve, a stream improvement project, a map-making project, and a modified area test.<sup>8</sup>

Various other appropriations and purchases may be made by the county only if approval is granted by one or more agencies. On recommendation of the grand jury and approval of the court, the commissioners may construct a building for the custody of vagrants, enlarge county bridges and aid townships to abolish grade crossings. With the consent of two successive grand juries, the county commissioners are allowed to establish a workhouse or morgue. Formerly, this approval was also required before the county commissioners might purchase land for county buildings, but today consent of the court alone is sufficient.

Whenever a stipulated number of citizens petition the commissioners for the establishment or construction of a certain institution, the matter is voted upon, and if approved by the electorate, the commissioners provide the innovation. This procedure is adopted in the case of the building of canals and waterways, the construction of memorial halls, the erection or completion of soldiers' monuments, the purchase and freeing of toll roads and bridges, the construction of a county tuberculosis hospital or hospital for women with nervous diseases, and the setting up of a county mosquito extermination commission.

The county commissioners have always held a number of *ex officio* positions. They serve on the salary board, the sinking fund commission, and the board of prison inspectors. Alone they act as the registration commission, the county board of elections, the institution district board, and the board of assessment and revision.<sup>9</sup> They are official visitors of the State penitentiaries. Since 1935, they have been allowed to act as "authorities" to enter into contracts with the Federal Government or

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<sup>8</sup> *Controller's Report*, 1940, p. 17.

<sup>9</sup> See the chapters dealing with these offices.



any of its agencies. Between the years 1835 and 1842 they constituted a board to appraise all land on which any purchase money was due to the State and to keep a record of such appraisals.

Wide powers of appointing and removing county officers and employees have been given to the county commissioners. They appoint a clerk who keeps their records and accounts, records their minutes, and attests all orders and warrants issued by the commissioners. They select all employees of the courthouse and its grounds, and may name one or more watchmen to guard the county buildings. The commissioners appoint the employees of most of the subordinate agencies which they set up. They may appoint county road caretakers to inspect and maintain county roads. These men have the powers of constables and are provided with badges by the commissioners. The commissioners may select a county engineer, a sealer of weights and measures, and on request of certain business men, official weighers. Vacancies in the office of assessors may be filled by the county commissioners when such vacancies are not otherwise filled.

The county solicitor is another appointee of the county commissioners. This officer, a lawyer, commences and prosecutes all suits brought by the county, defends all actions against the county, and performs any other professional duties which the commissioners require of him.

The commissioners also select a director of veterans' affairs, formerly the veterans' grave registrar, whose chief duties are to compile a record of burial places of soldiers, sailors, and marines within the county, and to assist war veterans and their families in securing their rights as relate to person, property, and care of their families. This officer's salary is fixed by the salary board.

In 1846 county commissioners were given the power to appoint mercantile appraisers, but after 1919 these officers were chosen by State officers, first by the State Auditor General, and later by the Secretary of Revenue, until the abolition of this office in 1943. From 1870 until 1925 the commissioners selected wardens to find and punish people causing forest fires. The county paid the entire cost of this service until 1897 when the State began to pay half. At present, the State alone employs and pays fire wardens. Between the years 1885 and 1921 the commissioners had to appoint in each township and ward of the county people to take care of the burial of all honorably discharged sailors, soldiers, and marines who died in the county. These officials investigated the circumstances of all such cases, took care of the burial, and reported upon their actions to the county commissioners.

Other officials whom the county commissioners may appoint are county health officers, a park or recreation board, a planning commis-

sion, a housing authority, and a zoning commission. The commissioners may determine the manner of appointment of a board of zoning adjustment and may make zoning ordinances. As yet, none of these optional officers, boards, and commissions have been established in Lehigh County.

The responsibility for having various lists made rests upon the county commissioners. The law requires that every seven years they have a census made, with the deaf and dumb and the blind listed separately. One copy is sent to the Governor and another to the clerk of the court of quarter sessions. From 1895 until 1911 the commissioners kept lists of children liable for school attendance under the terms of the compulsory education laws. The commissioners must keep the surveys of unseated lands which have been prepared by the deputy surveyor and his successor the county surveyor.

The county commissioners must keep accounts in the form presented by the controller who may inspect them at any time. The president of the board of county commissioners notifies the Department of Internal Affairs of all proceedings for incurring or increasing county indebtedness except one year notes in anticipation of revenue. Twice a year, the commissioners report to the Department of Revenue showing the receipt and disbursement of all money received during the preceding six months as the county's share of the Liquid Fuels Tax Fund. Further payments to the county are withheld until this report is filed. The law requires that the commissioners keep their minute books, fiscal records, and other documents open to the public.

### Minutes

#### **1. COMMISSIONERS MINUTE BOOK, 1841—.**

10 vols. (6 vols. dated; 4 vols. unlabeled). Minutes of meetings of commissioners, showing date and place of meeting, names of members present, business transacted, and attested signatures of commissioners and clerk. Also contains: Minutes of Board of Tax Revision and Appeal, 1842-1936, entry 307; and Minutes of the County Salary Board, 1923-36, entry 379. Arr. chron. by date of meeting. No index. Hdw. and typed. Aver. 400 pp. 17 x 12 x 3. 6 vols., 1841-90, attic strm. closets Nos. 20, 21; 4 vols., 1891—, off.

#### **2. (Obsolete) BLOTTER, 1868-69.**

1 vol. Memoranda of meetings of commissioners, transcribed into entry 1. Arr. chron. by date of meeting. No index. Hdw. 300 pp. 12 x 8 x 1. Attic strm. closet No. 21.

**3. (Obsolete) MINUTE BOOK, 1898-1901.**

1 vol. Minutes of meetings of commissioners, transcribed into entry 1. Arr. chron. by date of meeting. No index. Hdw. 100 pp.  $8\frac{1}{2} \times 5 \times \frac{1}{2}$ . Attic strm. closet No. 21.

**Taxation**

(See also entries 232-234, 308-310, 335, 336)

*Assessment***4. (ANNUAL AND TRIENNIAL ASSESSMENT BOOKS), 1844—.**

3,740 vols. (dated, and labeled by name of civil division). Record of assessments on real and personal property, showing date; name, address, and occupation of taxable; location, description, and assessed valuation of property; tax rate; kind and amount of tax; and totals. Arr. alph. by first letter of surname of taxable. No index. Hdw. on ptd. fm. Aver. 100 pp.  $10 \times 14 \times 1$ . 3190 vols., 1844-1930, attic strm. closets Nos. 1-12; 344 vols., 1930-36, collector of taxes off.; 206 vols., 1937—, personal property and assessment off.

**5. (ASSESSMENT DUPLICATES), 1918—.**

105 vols. (dated and labeled by name of civil division). Duplicate record of tax assessments on real and personal property in boroughs, townships, and cities of Allentown and Bethlehem, showing information as in entry 4. Arr. alph. by name of civil division and thereunder num. by ward and house nos. No index. Hdw. on ptd. fm. Aver. 1,000 pp.  $16 \times 24\frac{1}{2} \times 3\frac{1}{2}$ . 44 vols., 1918-29, attic strm. closet No. 13; 34 vols., 1930-35, attic strm. vlt.; 27 vols., 1936—, collector of taxes off.

**6. PERSONAL PROPERTY TAX RETURNS, 1933—.**

130 f.b. and 3 f.d. (dated and labeled by name of civil division). Individual returns of personal property, showing tax year, date due, name and address of taxable, schedule of property, owner's valuation, acquisitions and sales since last tax period, affidavit and signature of taxable, and date filed. Arr. chron. by date of return. No index. Hdw. on ptd. fm. F.b.  $10 \times 5 \times 4$ ; f.d.  $12 \times 14 \times 30$ . Personal property and assessment off.

**7. (ESTATES NOTIFIED TO REPORT), 1936—.**

1 f.d. Card record of estates notified to make return on personal property holdings, showing name of estate, name and address of fiduciary, and date notified. Arr. alph. by first letter of surname of estate.



No index. Typed on ptd. fm. 4 x 6 x 12. Personal property and assessment off.

**8. ESTATE RECORD CARDS (Unpaid), 1928—.**

2 f.d. (labeled by contained letters of the alphabet). Card record of personal property of decedents' estates liable to taxation, showing name of estate, name and address of fiduciary, amount and type of tax, itemized list of personal property held by estate, and dates of return and filing. Arr. alph. by first letter of surname of estate. No index. Typed on ptd. fm. 4 x 6 x 12. Personal property and assessment off.

**9. ESTATE RECORD CARDS (Paid), 1928—.**

2 f.b. (dated), 2 f.d. (labeled by contained letters of the alphabet). Card record of personal property tax payments of estates, showing information as in entry 8, and also date paid. Arr. chron. by date filed, 1928-35; arr. alph. by first letter of surname of estate, 1936—. No index. Hdw. and typed on ptd. fm. F.b. 10 x 5 x 14; f.d. 4 x 6 x 12. Personal property and assessment off.

**10. RECORDER'S REPORTS OF LAND TRANSFERS, 1912-18, 1934—.**

2 loose-leaf vols. Reports from recorder of deeds of land conveyances, showing date of instrument, names and addresses of grantor and grantee, location and description of property, consideration, signature of recorder, and date filed. Arr. chron. by date filed. No index. Hdw. on ptd. fm. Aver. 1,600 pp. 10 x 20 x 8. 1 vol., 1912-18, attic strm. closet No. 26; 1 vol., 1934—, personal property and assessment off.

**11. TRANSFERS OF LAND, 1912—.**

7 vols. (dated). Record of land transfers as reported by the recorder of deeds for tax purposes, showing date of instrument; names of grantor, grantee, and civil division; address of grantee; location and description of property; and consideration. Arr. alph. by name of civil division. No index. Typed on ptd. fm. Aver. 1,100 pp. 10 x 16 x 6. 6 vols. 1912-32, attic strm. closet No. 26; 1 vol., 1933—, personal property and assessment off.

**12. (MORTGAGES AND JUDGMENTS), 1925—.**

37 f.d. (25 f.d. labeled by contained letters of the alphabet; 12 f.d. unlabeled). Card record of mortgages and judgments subject to personal property tax, showing names and addresses of parties; date, amount, and character of instrument; court term and case no.; and dates filed and satisfied. Arr. alph. by first letter of surname of taxable.

No index. Typed on ptd. fm. 4 x 6 x 12. Personal property and assessment off.

**13. RECORD OF MORTGAGES SUBJECT TO TAXATION, 1879-1915.**

8 vols. Record of mortgages subject to taxation, showing names and addresses of mortgagor and mortgagee, date and amount of mortgage, location and description of property, and date satisfied. Arr. alph. by first letter of surname of mortgagee. No index. Hdw. on ptd. fm. Aver. 560 pp. 18 x 16 x 4. 5 vols., 1879-1908, off.; 3 vols., 1881-1915, attic strm. closet No. 21.

**14. RECORD OF JUDGMENTS SUBJECT TO TAXATION, 1879-1912.**

6 vols. (1-4; 2 vols. unlabeled). Record of judgments subject to taxation, showing court term and case no., names and addresses of plaintiff and defendant, character of instrument, amount involved, and dates filed, assigned, or satisfied. Arr. alph. by first letter of surname of plaintiff. No index. Hdw. on ptd. fm. Aver. 560 pp. 20 x 15 x 3. 4 vols., 1879-1909, off.; 2 vols., 1905-12, attic strm. closet No. 21.

**15. (MORTGAGES, BONDS, AND JUDGMENTS SUBJECT TO TAXATION), 1889-1929.**

672 vols. (dated and labeled by name of civil division). Assessors' record of interest-bearing instruments subject to taxation, showing name and address of taxable; date, amount, and character of instrument; and dates entered and satisfied. Arr. alph. by first letter of surname of taxable. No index. Hdw. on ptd. fm. Aver. 80 pp. 9 x 13 x 1/2. Attic strm. closets Nos. 25, 26.

**16. (PROTHONOTARY'S REPORTS OF JUDGMENTS), 1934—.**

1 bdl. Reports of judgments entered and subject to taxation, showing date of report; court term and case no.; names and addresses of plaintiff and defendant; date, amount, and character of instrument; and signature of prothonotary. Arr. chron. by date of report. No index. Hdw. on ptd. fm. 12 x 24 x 6 1/2. Personal property and assessment off.

**17. EXONERATION DOCKET, 1845-1913.**

7 vols. (dated). Record of exonerated taxables, showing names of districts, taxables, and tax collector; year, type, and amount of taxes assessed; and reason for exoneration. Arr. chron. by tax year. No index. 1845-72, 1887-1913; indexed alph. by name of tax district, 1873-86. Hdw. Aver. 600 pp. 14 x 10 x 2. Attic strm. closet No. 21.

**18. TAXABLE INHABITANTS, 1856-63.**

1 vol. Record of taxable inhabitants, and deaf, dumb, and blind persons, showing date, name of civil division, name and occupation of taxable, number of males and females, total of each certified by commissioners, and seals and signatures of commissioners and clerk. Arr. chron. by date of assessment and thereunder alph. by name of civil division. No index. Hdw. 400 pp. 13 x 8 x 11½. Attic strm. closet No. 21.

*Collection***19. TAX PROPOSAL BOOK, 1845-68, 1891-1927.**

2 vols. Record of persons submitted to commissioners for the collection of county and State taxes, showing names of civil division, applicant, and surety; year; type and amount of taxes of each district; percentage of commission; and name of person appointed collector in each district. Arr. chron. by tax year. No index. Hdw. on ptd. fm. Aver. 140 pp. 17 x 14 x 1. 1 vol., 1845-68, attic strm. closet No. 21; 1 vol., 1891-1927, attic strm. vlt.

**20. COUNTY TAX RECEIPTS, 1929—.**

255 bdl. (dated), 131 vols. (dated and labeled by contained receipt nos.). Untitled, 1932—, 131 vols. Duplicate receipts of county taxes paid, showing date, receipt no., names of taxable and tax district, tax year, amount of tax, rebates and penalties, totals, and dates and amounts of payments. Arr. num. by receipt no. No index. Hdw. on ptd. fm. Bdl. 4 x 14 x 3; vols. aver. 170 pp. 12 x 7½ x 1. 255 bdl., 1929-31, bsmt. off.; 131 vols., 1932—, collector of taxes off.

**21. TAX COLLECTOR'S REPORT, 1932—.**

3 f.d. Reports of tax collectors' settlements, showing date; names of district, civil division, tax collector, and taxable; year; type and amount of taxes paid and outstanding; and signature of collector. Arr. alph. by name of civil division. No index. Typed on ptd. fm. 12 x 12 x 26. Collector of taxes off.

**22. TAX LEDGER, 1861-1922.**

12 vols. (dated). Commissioners' record of tax collectors' accounts, showing names of civil division and tax collector, amount of duplicate charged, tax year, type and amount of tax collected, rebates, commissions, exonerations, abatements, and balance due. Arr. chron. by tax year, and thereunder alph. by name of civil division. No index. Hdw.



Aver. 620 pp. 14 x 9 x 2. 11 vols., 1861-1916, attic strm. closet No. 21; 1 vol., 1917-22, attic strm. vlt.

### *Delinquency*

#### **23. TAX LIEN DOCKET, 1881-1905, 1933—.**

2 vols. Title varies: Tax Lien Record, 1881-1905, 1 vol. Record of tax liens filed against property for unpaid taxes, showing name and address of taxable; location and description of property; year, amount, and type of tax; court term and case no.; total amount of claim; and dates of filing and satisfaction. Arr. chron. by date filed. Indexed alph. by first letter of surname of taxable. Hdw. on ptd. fm. Aver. 600 pp. 18 x 15 x 4. 1 vol., 1881-1905, attic strm. closet No. 21; 1 vol., 1933—, collector of taxes off.

#### **24. (DELINQUENT TAX RECORD CITY OF ALLENTOWN), 1928—.**

255 Kardex f.d. (labeled by ward no. and contained letters of alphabet). Record of assessed property and delinquent taxes, showing ward no.; name of street and house no.; location, and description, and improvements of property; year built; assessed valuation; vol. and p. reference to recording in (Annual and Triennial Assessment Books), entry 4; name and address of owner; year of delinquency; amount of tax; dates of filing and satisfaction of lien; and dates and amount of payments. Arr. num. by ward no. and thereunder alph. by name of street. No index. Hdw. and typed on ptd. fm. 1 x 8 x 28. Collector of taxes off.

#### **24A. (DELINQUENT TAX RECORD CITY OF BETHLEHEM), 1941—.**

32 Kardex f.d. Record of assessed property and delinquent taxes, showing information as in entry 24. Arr. num. by ward no., and thereunder alph. by name of street. No index. Hdw. and typed on ptd. fm. 1 x 8 x 28. Collector of taxes off.

#### **25. (DELINQUENT TAX COLLECTORS RECEIPTS, ALLENTOWN), 1937—.**

225 vols. (labeled by ward nos.). Triplicate copy of delinquent tax collector's receipt for collection of unpaid taxes of the city of Allentown, showing ward and receipt nos.; name and address of taxable; location of property; year, type, and amount of tax; fee for filing lien; penalty; total amount paid; and signature of collector. Arr. num. by receipt no. No index. Hdw. on ptd. fm. Aver. 50 pp. 9 x 4½ x ½. Personal property and assessment off.

## **Supplies and Equipment**

### **26. COUNTY OFFICE REQUISITIONS, 1936—.**

1 f.d. Requisitions for supplies to county offices, showing date, requisition and appropriation nos., name and address of vendor, name of office, items, quantity, cost, and official signature. Arr. alph. by name of office, and thereunder chron. by date of requisition. No index. Hdw. on ptd. fm. 10 x 12 x 30. Off.

### **27. COUNTY HOME REQUISITIONS, 1937—.**

1 f.b. Requisitions for supplies to be furnished county home and institution district, showing information as in entry 26. Arr. chron. by date of requisition. No index. Hdw. on ptd. fm. 10 x 5 x 4. Off.

### **28. PURCHASE ORDERS, 1936—.**

1 f.d. Duplicates of purchase orders issued for supplies of county offices, showing date, order no., name and address of vendor, name of county office charged, items, quantity, total costs, and signatures of commissioners and controller. Arr. alph. by name of vendor and thereunder chron. by date of order. No index. Typed on ptd. fm. 12 x 16 x 30. Off.

### **29. COUNTY INSTITUTION DISTRICT PURCHASE ORDER, 1937—.**

3 f.b. (labeled by contained letters of alphabet). Duplicates of purchase orders for supplies to be furnished county institution district, showing information as in entry 28. Arr. alph. by name of vendor. No index. Typed on ptd. fm. 10 x 5 x 4. Off. For original county home orders, see entry 435.

### **30. (AGREEMENTS), 1871-96.**

2 folders (18, 82). Miscellaneous agreements between commissioners and contractors for furnishing of supplies and equipment, showing date, names of parties, purpose, terms and conditions of agreement, and signatures of contractor and commissioners. Arr. chron. by date of agreement. No index. Hdw. 10 x 4 x 1. Attic strm. closet No. 20.

## **Military**

*(See also entry 77)*

### **31. RELIEF BOOK, 1861-65.**

2 vols. Record of money paid to families of soldiers of Civil War, showing date, number and ages of dependents, amount of weekly pay-

ments, dates of orders and receipts, and signature of payee. Arr. chron. by date of order. No index. Hdw. Aver. 600 pp. 16 x 7 x 3. Attic strm. closet No. 21.

**32. MILITARY ENROLLMENT, 1909, 1915-21.**

130 vols. (dated and labeled by name of civil division). Assessors' lists of able-bodied male citizens, 21 to 45 years of age, subject to military duty, showing name of civil division; enrollment no.; name, address, age, occupation, and marital status of enrollee; if exempted, cause for same; and signature of assessor. Arr. alph. by first letter of surname of enrollee. No index. Hdw. on ptd. fm. Aver. 50 pp. 8 x 5 x 1/2. 27 vols., 1909, bsmt. vlt.; 103 vols., 1915-21, attic strm. closet No. 21.

**32A. (SERVICE MEDALS), 1941—.**

1 vol. Record of medals presented by Lehigh County to men entering the armed forces of the United States of America in the World War II, showing civil division, name, address, and age of service men; and date and branch of service entered. Arr. alph. by first letter of surname of serviceman. Typed. 100 pp. 10 x 8 x 1. Comms. off.

**33. VETERANS' BURIAL RECORD, 1755—.**

5 vols. (labeled by name of war). Record of veterans of all wars buried in county, showing name and address of veteran, war served, service record, date and place of death, name and location of cemetery, character of headstone, amount of burial and headstone appropriation, and dates recorded and certified to Department of Military Affairs. Arr. alph. by first letter of surname of veteran. No index. Hdw. on ptd. fm. Aver. 500 pp. 16 x 10 x 4. Director of veterans affairs' off.

**34. VETERANS' GRAVE REGISTRATION, 1755—.**

4 f.d. (labeled by name of war). Record of places of burial of veterans of all wars in the county, showing veteran's name; dates of birth, death, and military service; organization; name and location of cemetery; location and no. of grave; and type of marker. Arr. by name of cemetery and alph. thereunder by first letter of surname of veteran. No index. Typed on ptd. fm. 4 x 6 x 12. Director of veterans affairs' off.

**35. CORRESPONDENCE, 1932—.**

1 f.d. Correspondence received pertaining to compiling of veterans grave registration, showing date, names of addressee and veteran, subject matter, and name of sender. Arr. alph. by first letter of surname of veteran. No index. Hdw. and typed. 10 x 12 x 22. Director of veterans affairs' off.



### **Accounts**

#### **36. ORDER BOOK, scattered dates 1854-82.**

3 vols. Title varies: Day Book, 1854-57, 1864-67, 2 vols. Record of orders issued by commissioners to treasurer for payment of county expenditures, showing date, order no., name of payee, and amount and purpose of expenditure. Arr. chron. by date of order. No index. Hdw. and hdw. on ptd. fm. Aver. 450 pp. 16 x 6 x 3. Attic strm. closet No. 21.

#### **37. COMMISSIONERS' VOUCHERS, 1879-1913.**

160 f.b. and 9 bdl. (dated and labeled by contained voucher nos.). Vouchers and receipted bills for payment of county expenditures, showing date, voucher no., name of payee, purpose, total cost, and dates approved and paid. Arr. chron. by date of voucher and thereunder num. by voucher no. No index. Hdw. and hdw. on ptd. fm. F.b. 10 x 5 x 14; bdl. 12 x 10 x 3. Attic strm. closets Nos. 19, 20.

#### **38. PAYROLL OF CONSTABLES AND JURORS, 1881-99.**

2 vols. 1900-1913 in Ledger, entry 42. Record of payments made to constables for filing returns and jurors in attendance at quarter sessions and common pleas courts, showing names of constable and jurors, number of days served, mileage, date return of constable filed, amount paid, and voucher no. Arr. chron. by court term and thereunder alph. by first letter of surname of constable or juror. No index. Hdw. on ptd. fm. Aver. 270 pp. 16 x 11 x 1. Attic strm. closet No. 21.

#### **39. (STUBS OF ORDERS, COURT COSTS), 1887-1905.**

3 vols. (2 vols. dated; 1 vol. unlabeled). Stubs of orders issued to treasurer for payment of Commonwealth costs, showing date, order no., name of defendant, amount of costs, and signature of payee. Arr. num. by order no. No index. Hdw. on ptd. fm. Aver. 300 pp. 6 x 8 x 2. Attic strm. closet No. 21.

#### **40. COUNTY BOND BOOK, 1867, 1872-73.**

2 vols. Redeemed county bonds of indebtedness with coupons attached, showing dates of issue and redemption; no., type, and denomination of bond; interest rate and periods payable; and names of purchaser, commissioners, and treasurer. Arr. num. by bond no. No index. Hdw. on ptd fm. Aver. 500 pp. 12 x 16 x 2½. Attic strm. closet No. 20.

#### **41. FINANCE BOOK, 1842-58.**

1 vol. (dated). Record of loans made to the county by citizens, showing name of lender, amount of loan, dates due and repaid, certificate no.,

summary of uncollected taxes, and amount of county deficit. Arr. chron. by date of loan. No index. Hdw. 120 pp. 12 x 8 x 1/2. Attic strm. closet No. 21.

**42. LEDGER, 1839-58, 1864-1913.**

8 vols. (4 vols. dated; 4 vols. unlabeled). Record of receipts and expenditures, showing date, voucher and check nos., amounts of receipts and expenditures, source of receipts, purpose of expenditures, names of payee and payer, and totals. Also contains: Payroll of Constables and Jurors, 1900-1913, entry 38; and Commissioners Cost Docket, 1889-1913, entry 44. Arr. alph. by name of account and thereunder chron. by date of transaction. No index. Hdw. on ptd. fm. Aver. 550 pp. 16 x 12 x 2 1/2. 7 vols., 1839-58, 1864-99, attic strm. closets Nos. 20, 21; 1 vol., 1900-1913, attic strm. vlt.

**43. ELECTION (Cost) DOCKET, 1889-1913.**

2 vols. (dated). Record of expenses incurred in conduction of elections, showing date of election; names of civil division, election district, and payee; amount; purpose; voucher no.; and date paid. Arr. chron. by date of election and thereunder alph. by name of civil division. No index. Hdw. on ptd. fm. Aver. 275 pp. 18 x 12 x 2. Attic strm. closet No. 20.

**44. COMMISSIONERS' COST DOCKET, 1873-89.**

3 vols. (1 vol. unlabeled; 2, 3). 1889-1913 in Ledger, entry 42. Record of Commonwealth court costs, showing court term; names of defendant, witnesses, justice of peace, and constable; itemized costs; and date paid. Arr. chron. by court term. Indexed alph. by first letter of surname of defendant. Hdw. Aver. 500 pp. 15 x 13 x 3. Attic strm. closet No. 21.

**45. COUNTY AUDITS, 1842-1914.**

5 vols. (1-5). Copies of annual audits of county offices, showing name of office, dates and items of receipts and expenditures, source and purpose, amounts outstanding, totals, balance, certification of auditor, and date filed. Arr. chron. by date filed. No index. Hdw. Aver. 450 pp. 18 x 12 1/2 x 2 1/2. Attic strm. closet No. 21.

**Miscellaneous**

**46. (MINUTE BOOK OF COUNTY AUDITORS), 1900-1915.**

1 vol. Minutes of the meetings of county auditors, showing date, names of members present, nature of business transacted, and signature

of secretary. Arr. chron. by date of meeting. No index. Hdw. 600 pp. 14 x 9 x 3. Attic strm. vlt.

**47. SURVEYOR'S REGISTER, 1858-81.**

1 vol. Record of surveyors' compasses adjusted to conform with the true meridian, showing name of surveyor, date of adjustment, degree of variation from true meridian line, and certification of county commissioners. Arr. chron. by date certified. No index. Hdw. 550 pp. 13 x 9 x 2. Attic strm. closet No. 20.

**48. COMMISSIONERS' GRADUATION OF UNPATENTED LANDS, 1842-53.**

1 vol. Record of appraised value certified by the commissioners on unpatented lands on which money is due and unpaid to Commonwealth, showing date; names of original warrantee and petitioner; location and description of property; dates of original grant, survey, and appraisal; appraised valuation; and signatures of commissioners. Arr. chron. by date of certification. No index. Hdw. 100 pp. 13 x 8 x 1/2. Attic strm. closet No. 20.

**49. CENSUS ENUMERATION, 1870, 1880.**

1 bdl. (dated), 37 vols. (labeled by name of civil division). List of inhabitants of the county, showing date, name of civil division, enumeration district no., and name, address, age, sex, color, marital status, and date and place of birth of inhabitant. Arr. num. by enumeration district no. No index. Hdw. on ptd. fm. Bdl. 20 x 11 x 5 1/2; vols. aver. 100 pp. 15 x 10 x 1/2. Attic strm. closets Nos. 20, 21.

**50. (PLANS), 1832-1914.**

140 bdl. (labeled by type of project). Plans for construction and alteration of county bridges, roads, and buildings, showing date; location, description, and type of road, bridge, or building; and names of engineer and commissioners. No obvious arr. No index. Blueprinted. 42 x 4 x 4. Attic strm. closet No. 53. For related subsequent plans, see entries 444-446.



## **II. RECORDER OF DEEDS**

### **Evolution and Structural Organization**

Laws providing for a county officer responsible for the recording in permanent form, of various important papers have been in force since early in the proprietary period. When Lehigh County came into existence, the recorder of deeds was an appointee of the Governor. Since 1838, this office has been an elective one, with a definite tenure of office, at first three years, and since 1909, four years. Like all county officers, the recorder of deeds must have been a citizen and a resident of the county for at least one year before assuming office. Vacancies are filled by the Governor. The appointee holds office until a successor is chosen in the first municipal election which takes place two or more months after the vacancy occurred. The recorder is not allowed to be a county treasurer during his continuance in office, nor may he hold the office of controller either during his term of office or for two years thereafter. The recorder must take an oath of office and post a bond of \$10,000. His annual salary is fixed by law at \$4,000.

### **Functions and Records**

The chief duty of this officer is to have copied in permanent form certain papers which are of value to their owners. A copy, or recording of a document, properly signed and sealed by the recorder, is recognized to be as legal as the original paper itself. Moreover, the recorder may make exemplifications, or copies of the recording, which must be accepted in the same manner as if they were the originals. In various cases, the law requires that specified papers be recorded in this office, and in many other instances, the law permits people, for their own protection, to have certain documents recorded here.

Two indexes must be provided for every book in this office. One is arranged under the names of grantors and the other under the names of grantees.

To be legal, every deed or conveyance of land situated in the county must be attested by witnesses. Thereupon, they are recorded in the Deed Docket. The date of recording must be entered with the record of each deed. On the margin of a recorded deed or other instrument must be entered any final judgment or decision of a Pennsylvania court which affects that instrument. Sheriffs' and coroners' deeds may be recorded

either in the regular Deed Docket, as is done in Lehigh County, or in a separate Sheriffs' Deed Book. The recorder must inform the prothonotary where the record of such deeds may be found. Other types of conveyances which may be recorded in this office are county commissioners' deeds, treasurers' deeds, deeds made in pursuance of a court decree, and deeds formerly recorded in the Land Office. Deeds must be entered in the indexes at the same time that they are recorded. This officer also records patents of lands granted by the State. A daily record is kept of all deeds and conveyances recorded in this office. Once a month it is sent to the county commissioners who use it for checking on the accuracy of the assessors' returns.

This officer records all mortgages. Mortgages have priority according to the time when they are recorded. For this reason the recorder of deeds must indorse the exact time of recording upon all mortgages and number them chronologically. The recorder is also obliged to note on the grantors' index to mortgages, a brief abstract of the date of execution and entry, when the mortgage will be due and the location of the mortgaged premises. The encumbrances recorded here include not only mortgages on real estate, but mortgages on leaseholds, chattel mortgages, such as mortgages on vessels and mortgages as collateral for a loan from the Federal Government. On the margin of the recorded mortgage must be noted any satisfaction, assignment, or release. Postponement of the lien of a mortgage, to be legal, must either be entered somewhere on the mortgage or be made into a written agreement. In either case, it must be attested and recorded just as the mortgage itself. When action is brought on a mortgage which is on record, the prothonotary furnishes the recorder with various information which is then entered on the record of the mortgage. The recorder must send to the county commissioners the name and complete address of every holder, owner, or assignee of a mortgage. He also keeps a daily record of all mortgages presented for recording. Once a month he sends this record of a copy of it to the county commissioners to aid them in checking on the returns of the personal property tax. Another copy is forwarded to the Department of Revenue.

The commissions, oaths, and bonds of certain county officials are recorded in this office. The recorder places on record the commissions of those officers who must be commissioned by the Governor before they assume office. These include the sheriff and coroner, prothonotary, clerk of courts, register of wills and clerk of orphans' court and recorder of deeds, justices of the peace and aldermen, and industrial policemen. This officer formerly recorded the certificates from the county commissioners indicating their choice as county treasurer, and he still records the deed

of appointment of the sheriff's chief deputy. He also records the oaths of railroad policemen.

The official bonds recorded in this office are those of justices of the peace and aldermen, the sheriff and coroner, and the county commissioners. In addition, there are bonds given by the county treasurer and the register of wills as security for the paying over of State funds to the Commonwealth.

This officer also records those charters which it is in the power of the county to grant. These are the charters incorporating organizations which are religious, fraternal, political, beneficial, and charitable in nature. The types of papers recorded in the Charter Docket include articles of association of such corporations, certificates authorizing changes in a corporate name, and acceptances of reincorporation. Articles of incorporation of credit unions were recorded by this officer prior to 1937, and various papers relating to insurance companies are still recorded. At present all the corporations under county supervision have been classified as nonprofit corporations. The papers recorded in this office which relate to such corporations include articles of incorporation, of amendment, and of merger or consolidation, as well as notices of the change of location of the registered offices of such corporations. The recorder records all articles of establishment, amendment, or dissolution of a limited partnership.

This officer must place on record all agreements relative to public land, and all written agreements relating to real property by the terms of which any rights or privileges of a permanent nature are granted or by which the grantee or vendee is released from any damage to the property at any future time; also recorded are trusts for real property. These result when the purchase money is paid by one person and title is taken in the name of another person. He must also record certain decrees in orphans' court. Among other types of papers which may be recorded are letters of attorney, receipts for taxes on unseated land and for payments for the redemption of such land, releases, final decrees in proceedings concerning the title to real property, certificates of bankruptcy, and assignments for the benefit of creditors. In addition, there are deeds of trust, petitions of married women to get their separate earnings, decrees in proceedings to discharge incumbrances due and unclaimed for 21 years, all written instruments which a married woman may execute without the joinder of her husband, and agreements of separation of married couples. The recorder keeps a separate daily record of every article of agreement to secure the payment of money which is presented to him for recording and sends this monthly to the county commissioners who use it to check on assessment returns. A



copy is also sent to the Department of Revenue. Except for letters of attorney, all these miscellaneous records are found in the Miscellaneous Docket.

All plans for the subdivision of land within the county are recorded in this office. The recorder of deeds will keep the Warrantee Tract Map when this is prepared for the county by the Department of Internal Affairs. The recorder places on record descriptions and plans of State highways located in the county.

Certain records pertaining to the minor political divisions of the county are recorded in the Miscellaneous Docket. These include applications and court decrees for the establishment of boroughs, for the annulment of borough charters, and for the changing of borough boundary lines. Also in this office are copies of petitions received between 1915 and 1927 for the withdrawal of a former borough from a city. This officer may record contracts between the county and a city for the erection of bridges. Also on file are copies of municipal ordinances vacating streets and alleys, of plans for the construction of various public works in second-class townships, and of court decrees providing for the transfer of land to or from the county.

This officer formerly recorded copies of dentists' diplomas or affidavits relating to the education and experience of dentists possessing no diplomas. He records the final discharges of all honorably discharged commissioned and non-commissioned officers and persons who were duly enlisted and mustered into the armed forces of the United States, or in any women's organization officially connected therewith.

The recorder of deeds keeps a record of all fees received. He must make a monthly return and pay into the State Treasury through the Department of Revenue all money designated for the use of the Commonwealth.

At the close of their terms of office, notaries public are supposed to deposit their registers and all other official papers in the office of the recorder of deeds.

A few miscellaneous duties not concerned with the keeping of records belong to this officer. In arbitration cases, whenever the prothonotary is party to a suit, the recorder is permitted to act as prothonotary. He administers the oath of office to aldermen and justices of the peace; and acts as agent for the Commonwealth in the collection of those taxes and fees which are payable to the State upon recording of instruments and upon the commissions of public officers. He makes returns to them to the Department of Revenue and pays this money to the State Treasury through the Department.



The recorder of deeds appoints a first deputy who assumes his place if the office becomes vacant and who is legally permitted to perform any of the duties of his principal. The compensation of the deputy is fixed by the salary board. At present the recorder's deputy receives \$2,580 a year.

Unless otherwise stated, records of the recorder of deeds are kept in his office.

### **Conveyances**

#### **51. DEED DOCKET, 1812—.**

629 vols. (1-629). Recorded copies of deeds, showing date of instrument, names of grantee and grantor, location and description of property, consideration, attestation of recorder, and date recorded. Also contains: Sheriff Deed Docket, 1906—, entry 136; Commission Docket, 1812-82, entry 62; and Charter Docket, 1812-65, entry 63. Arr. chron. by date recorded. For indexes, see entries 52, 54. Hdw. and typed on ptd. fm. Aver. 700 pp. 18 x 13 x 3.

#### **52. GRANTOR INDEX, 1812—.**

68 vols. (labeled by contained letters of the alphabet). Index to Deed Docket, entry 51, and Miscellaneous Docket, entry 72, showing date and type of instrument, names of grantor and grantee, date of recording, and vol. and p. reference. Arr. alph. by first letter of surname of grantor. Typed on ptd. fm. Aver. 350 pp. 18 x 14 x 3.

#### **53. (Obsolete) GRANTOR INDEX, 1812-1927.**

55 vols. (labeled by contained letters of alphabet). Index to Deed Docket, entry 51, transcribed into Grantor Index, entry 52. Arr. alph. by first letter of surname of grantor. Hdw. on ptd. fm. Aver. 300 pp. 18½ x 15 x 2. 50 vols., 1812-1927, off.; 5 vols., 1815-74, comms. bsmt. vlt.

#### **54. GRANTEE INDEX, 1812—.**

66 vols. (labeled by contained letters of the alphabet). Index to Deed Docket, entry 51, and Miscellaneous Docket, entry 72, showing date and type of instrument, names of grantee and grantor, date of recording, and vol. and p. reference. Arr. alph. by first letter of surname of grantee. Typed on ptd. fm. Aver. 350 pp. 18 x 14 x 3.

#### **55. (Obsolete) GRANTEE INDEX TO DEEDS, 1812-1927.**

59 vols. (labeled by contained letters of alphabet). Index to Deed Docket, entry 51, transcribed into Grantee Index, entry 54. Arr. alph.

by first letter of surname of grantee. Hdw. on ptd. fm. Aver. 300 pp. 18½ x 15 x 2. 50 vols., 1812-1927, off.; 9 vols., 1814-87, comms. bsmt. vlt.

### Encumbrances

#### 56. MORTGAGE DOCKET, 1812—.

490 vols. (1-490). Recorded copies of mortgages on property, showing names and addresses of mortgagee, mortgagor, and witnesses; amount of mortgage; location and description of property; and dates of transaction, recording, and satisfaction or assignment. Arr. chron. by date received. For indexes, see entries 57, 59. Hdw. and typed on ptd. fm. Aver. 700 pp. 18 x 14 x 3½.

#### 57. MORTGAGOR INDEX, 1812—.

58 vols. (labeled by contained letters of the alphabet). Index to Mortgage Docket, entry 56, showing names of mortgagor and mortgagee, date and amount of mortgage, location and description of property, dates of recording and satisfaction, and vol. and p. reference. Arr. alph. by first letter of surname of mortgagor. Typed on ptd. fm. Aver. 300 pp. 18 x 14 x 2½.

#### 58. (Obsolete) MORTGAGOR INDEX, 1812-1927.

46 vols. (labeled by contained letters of the alphabet). Index to Mortgage Docket, entry 56, transcribed into Mortgagor Index, entry 57. Arr. alph. by first letter of surname of mortgagor. Hdw. and typed on ptd. fm. Aver. 300 pp. 18 x 14 x 2.

#### 59. MORTGAGEE INDEX, 1812—.

7 vols. (dated). Index to Mortgage Docket, entry 56, showing names of mortgagee and mortgagor, date and amount of mortgage, location and description of property, dates of recording and satisfaction, and vol. and p. reference. Arr. alph. by first letter of surname of mortgagee. Hdw. on ptd. fm. Aver. 600 pp. 18 x 14 x 3.

#### 60. (Obsolete) MORTGAGEE INDEX, 1843-69.

6 vols. Index to Mortgage Docket, entry 56, transcribed into Mortgagee Index, entry 59. Arr. alph. by first letter of surname of mortgagee. Hdw. Aver. 200 pp. 17 x 11 x 1. Attic strn. closet No. 31.

#### 61. CHATTEL MORTGAGE DOCKET, 1933—.

2 vols. (1-2). Recorded copies of Federal mortgages on crops and farm equipment issued under the Federal Farm Credit Act, showing

date, names and addresses of mortgagor and mortgagee, location and description of chattels, amount involved, terms and conditions, and dates recorded and satisfied. Arr. chron. by date recorded. Indexed alph. by first letter of surnames of parties. Typed. Aver. 700 pp. 18 x 14 x 3.

### Commissions, Oaths, Bonds

(*See also* entries 98-101, 190, 191, 242-245, 333)

#### 62. COMMISSION DOCKET, 1883—.

15 vols. (1-15). 1812-82 in Deed Docket, entry 51. Recorded copies of commissions, oaths of office, and bonds of public officials, showing name and address of official, title and tenure of office, name and address of surety, amount of bond posted, and dates of commission, oath, and recording. Arr. chron. by date recorded. Indexed alph. by first letter of surname of official. Hdw. and typed. Aver. 700 pp. 18 x 14 x 3.

### Corporations

#### 63. CHARTER DOCKET, 1866—.

16 vols. (1-16). 1812-65 in Deed Docket, entry 51. Recorded copies of charters granted to religious, fraternal, political, and commercial organizations, showing court term and case no.; name, location, and purpose of organization; powers granted; names of incorporators and officers; and dates approved and recorded. Arr. chron. by date recorded. For index, see entry 64. Hwd. and typed. Aver. 600 pp. 18 x 14 x 3.

#### 64. INDEX TO CHARTER DOCKET, 1866—.

1 vol. Index to Charter Docket, entry 63, showing date and type of instrument, name of organization, date of recording, and vol. and p. reference. Arr. alph. by name of organization. Hdw. on ptd. fm. 500 pp. 18 x 14 x 3.

### Powers of Attorney

#### 65. LETTERS OF ATTORNEY, 1912—.

10 vols. (1-10). 1812-1911 in Miscellaneous Docket, entry 72. Recorded copies of powers of attorney, showing names of principal, appointee, and witnesses; purpose; acknowledgment; and dates drawn and recorded. Arr. chron. by date recorded. For indexes, see entries 66, 68. Hdw. and typed. Aver. 700 pp. 18 x 14 x 3.



**66. GRANTOR INDEX TO LETTERS OF ATTORNEY, 1812—.**

5 vols. (labeled by contained letters of the alphabet). Index to letters of attorney recorded in Miscellaneous Docket, 1812-1911, entry 72, and Letters of Attorney, 1912—, entry 65, showing names of grantor and grantee, dates of instrument and recording, and vol. and p. reference. Arr. alph. by first letter of surname of grantor. Typed. 180 pp. 18 x 14 x 2.

**67. (Obsolete) GRANTOR INDEX TO LETTERS OF ATTORNEY, 1912-27.**

1 vol. Index to Letters of Attorney, entry 65, transcribed into Grantor Index to Letters of Attorney, entry 66. Arr. alph. by first letter of surname of grantee. Typed on ptd. fm. 380 pp. 18 x 14 x 2.

**68. GRANTEE INDEX TO LETTERS OF ATTORNEY, 1812—.**

5 vols. (labeled by contained letters of the alphabet). Index to letters of attorney recorded in Miscellaneous Docket, 1812-1911, entry 72, and Letters of Attorney, 1912—, entry 65, showing names of grantee and grantor, dates of instruments and recording, and vol. and p. reference. Arr. alph. by first letter of surname of grantee. Typed on ptd. fm. Aver. 180 pp. 18 x 14 x 2.

**69. (Obsolete) GRANTEE INDEX TO LETTERS OF ATTORNEY, 1912-27.**

1 vol. Index to Letters of Attorney, entry 65, transcribed into Grantee Index to Letters of Attorney, entry 68. Arr. alph. by first letter of surname of grantee. Typed on ptd. fm. 380 pp. 18 x 14 x 2.

### **Real Estate Plans**

**70. (PLAN BOOK), 1812—.**

5 vols. Maps and plans of real estate developments, showing names of civil division, owners, and adjoining owners; location and description of property; area, boundaries; tract and lot nos.; scale; certification of draftsman and owner and dates filed and recorded. Arr. chron. by date recorded. For index, see entry 71. Ptd. and photostated. Aver. 100 pp. 21 x 29 x 3.

**71. INDEX TO MAPS, 1812—.**

1 vol. Index to Plan Book, entry 70, showing names of grantee and grantor, location and description of property, and vol. and p. reference. Arr. alph. by name of plot. Typed. 500 pp. 18 x 19 x 2.

**Miscellaneous****72. MISCELLANEOUS DOCKET, 1812—.**

165 vols. (1-165). Recorded copies of miscellaneous instruments, showing names of grantor and grantee, date and character of instrument, acknowledgment, and date recorded. Also contains: Letters of Attorney, 1812-1911, entry 65; and (Military Discharges), 1863—, entry 77. Arr. chron. by date recorded. For indexes, see entries 52, 54, 66, 68. Hdw. and typed. Aver. 700 pp. 18 x 14 x 3.

**73. (Obsolete) GRANTOR MISCELLANEOUS INDEX, 1812-1914.**

21 vols. (labeled by contained letters of alphabet). Index to Miscellaneous Docket, entry 72, transcribed into Grantor Index, entry 52. Arr. alph. by first letter of surname of grantor. Hdw. on ptd. fm. Aver. 300 pp. 18 x 12 x 2.

**74. (Obsolete) GRANTEE MISCELLANEOUS INDEX, 1812-1914.**

21 vols. (labeled by contained letters of alphabet). Index to Miscellaneous Docket, entry 72, transcribed into Grantee Index, entry 54. Arr. alph. by first letter of surname of grantee. Hdw. on ptd. fm. Aver. 300 pp. 18 x 12 x 2.

**75. (DEEDS, MORTGAGES, AND MISCELLANEOUS INSTRUMENTS), 1875—.**

75 f.b. (labeled by contained letters of the alphabet and type of instrument). Original instruments left for recording and remaining unclaimed, showing names of grantor and grantee, date and character of instrument, official seals and signatures, and date recorded. Arr. alph. by first letter of surname of grantee. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

**76. ENTRY DOCKET, 1812-29, 1879—.**

28 vols. (dated). Record of instruments presented for recording, showing date presented, names of parties, type and no. of instrument, date, name and address of person to whom delivered, and date recorded. Arr. chron. by date presented. No index. Hdw. Aver. 1,000 pp. 18 x 14 x 5.

**77. (MILITARY DISCHARGES), 1863—.**

In Miscellaneous Docket, entry 72. Recorded copies of discharges of soldiers, sailors, and marines, showing name; dates and places of birth, enlistment, and discharge; rank; physical description and military record of principal; name of commanding officer; and date recorded. For related military records, see entries 31-35.

**78. (NOTARY'S PROTEST BOOK), 1866-75.**

10 vols. Record of protested instruments filed by notaries, showing date, type, and amount of instrument; names of maker, payee, and endorser; fees; balance due; and date protested. Arr. chron. by date protested. No index. Hdw. on ptd. fm. Aver. 150 pp.  $10\frac{1}{2} \times 8 \times 1$ . Comms. bsmt. vlt.

**79—DENTISTS DOCKET, 1883-97**

1 vol. (1). Recorded copies of dental diplomas, showing names of dentist and institution attended, date of graduation, degree awarded, endorsement by State Dental Examining Board, name and seal of secretary, names of members of faculty, and date recorded. Arr. chron. by date recorded. Indexed alph. by first letter of surname of dentist. Hdw. 250 pp.  $18 \times 10 \times 2$ . For register of dentists, see entry 153.

### **III. PROTHONOTARY OF THE COURT OF COMMON PLEAS**

#### **Evolution and Structural Organization**

When Lehigh County was erected, the prothonotary, or clerk of the court of common pleas, was appointed by the Governor. In 1838 this officer became elective, with a three-year term which was increased to four years in 1909. Like all county officers, the prothonotary must have been an American citizen and a resident of the county for at least a year before assuming office. While in office, the prothonotary may not practice as an attorney in any of the courts of the county or be a justice of the peace or county treasurer. His ineligibility to the office of controller continues for two years after the expiration of his term as prothonotary. Vacancies are filled by the Governor, the appointee to hold office until a new prothonotary is chosen in the first election taking place two or more months after the occurrence of the original vacancy. Before assuming office, the prothonotary must give a bond and take an oath of office. His compensation is set by law at \$6,000 a year.

The prothonotary names as many clerks or deputies as are necessary to enable the court to dispose of its business properly. These officers may perform any of the duties of the prothonotary. The prothonotary names a first and second deputy to act in case of his death or resignation.

#### **Functions and Records**

The prothonotary is primarily a record-keeping officer, but he has a few general duties as well. He attends court or delegates a clerk to do so, issues all writs in common pleas proceedings, takes bail in civil actions, adjourns court whenever a judge is not available, and administers oaths and affirmations in conducting the business of his office.

The prothonotary has custody of the records and seal of the court of common pleas. He files all papers and makes a record of their filing in the proper docket. Most papers are placed in the Common Pleas Files and recorded in the Continuance Docket. From time to time, however, either as a matter of convenience or in accordance with the provisions of definite laws, separate files and dockets have been set up to contain records of specific types of cases. All papers mentioned below which have not been placed in separate dockets are found in Common Pleas Files and recorded in the Continuance Docket. The prothonotary must



keep at least two indexes to every book of record of his office, one under plaintiffs' names, the other under defendants' names. On the margin of every docket opposite the record of the case, the prothonotary notes all items of cost chargeable to the case.

On file in this office are various oaths, bonds, and acceptances of office. These include the oaths of county officers, court stenographers, and persons concerned with the drawing or selecting of jurors; the bonds of collectors of special taxes; and the bonds and acceptances of justices of the peace and aldermen. The prothonotary certifies these acceptances to the Secretary of the Commonwealth.

In addition to the official bonds filed in this office, there are kept in Lehigh County certain bonds filed in various court procedures. Whenever a decision of the court of common pleas is appealed to a higher court, the appellant must post with the prothonotary a bond in double the amount of the judgment. Before any writ of replevin may be issued, a bond in double the amount of the goods sought must be posted. In certain cases persons charged with the care of estates of lunatics or weak-minded persons file bonds with the prothonotary.

Rules of court require that the prothonotary keep a Trial List, or record of cases scheduled for trial,<sup>1</sup> and an Argument List, or record of cases listed for argument court.<sup>2</sup> The prothonotary must have the Trial List published in four newspapers of the county, at least two weeks before the scheduled date of the trial of the cases on the list.<sup>3</sup> When the trial actually takes place, and the attorney for one of the parties is not present, the prothonotary takes part in the selection of the jury.<sup>4</sup>

The general papers in the Common Pleas Files consist of the pleadings, or papers filed preparatory to the bringing of a case to trial,<sup>5</sup> and a number of papers relating to the actual trial of the case, such as notes of testimony, depositions,<sup>6</sup> lawyers' briefs<sup>7</sup> and similar papers. Upon request of either party or counsel, the judge's opinion and charge, with particular reference to the points of law involved and with the judge's answers on all points, must be reduced to writing and filed with the

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<sup>1</sup> *Rules for the Regulation of the Practice of the Courts of Common Pleas, Oyer and Terminer and Quarter Sessions of the Peace of the Thirty-First Judicial District of Pennsylvania Lehigh County*, Rule 248, p. 153 (Hereinafter cited as *Court Rules*).

<sup>2</sup> *Ibid.*, Rules 19-21, p. 13.

<sup>3</sup> *Ibid.*, Rule 249, p. 155.

<sup>4</sup> *Ibid.*, Rule 251, p. 155.

<sup>5</sup> *Ibid.*, Rules 13-15, 196-211, pp. 9, 119-131.

<sup>6</sup> *Ibid.*, Rules 100, 101, pp. 66, 67.

<sup>7</sup> *Ibid.*, Rule 22, p. 13.

prothonotary. The written decision of the court in trials without a jury are also placed on file.

The record known as Ejectment and Miscellaneous Index is an index to names of persons found to be lunatics or habitual drunkards, people against whom injunctions have been granted restraining them from selling or in any way encumbering real estate, and parties to the following proceedings: Divorce, partition, ejectment, adoption, change of name, and condemnation proceedings in which the appointment of viewers is requested. In addition, it contains the names of persons involved in suits in equity affecting real estate and other proceedings affecting real estate if the court so orders. Matters entered on the Judgment Docket and the indexes to it are not included on this record.

The prothonotary must keep in a Judgment Index a record of every judgment of the court or award of arbitrators entered in the court. The court may authorize the prothonotary to enter judgment upon praecipe for want of a declaration or plea, or for want of an affidavit of defense. Upon application by any holder or assignee of an instrument containing a confession of judgment, the prothonotary must enter judgment. Also entered on the Judgment Index are judgments of the United States District Court which become liens on real estate located in the county, judgments transferred from other counties, judgments rendered by justices of the peace, certain verdicts, orders and judgments of orphans' court, and judgments compelling the assignment of mortgages. Whenever any verdict rendered in Pennsylvania is a lien on any real estate located in Lehigh County, the verdict is entered in the Judgment Index with the notation "verdict." Also entered in the Judgment Index are various informations regarding the sheriff's and coroner's recognizances, reports of balances due from tax collectors, and contracts for labor and materials containing special provisions as to time and manner of payment. The prothonotary also enters in this docket the commencement of proceedings in lunacy or habitual drunkenness, petitions to declare void any instrument conveying title to real estate, and any other proceeding by which purchasers of real estate would be deemed to have had constructive notice.

Whenever the court renders a judgment for damages resulting from the operation of a motor vehicle, the prothonotary must immediately forward to the Secretary of Revenue a certified copy or a transcript of the judgment with the addresses of the judgment creditor and debtor. Within twenty days after entering a judgment in favor of the Commonwealth, he reports it to the State Treasurer. When a judgment upon a mortgage or recognizance which is on record is brought or satisfied, the prothonotary must inform the officer who has custody of the recorded document.

Each entry on the Judgment Index automatically serves as a lien on the real estate of the person against whom judgment is entered, and no judgment becomes a lien unless recorded. Liens against real estate continue for five years from the date of entry of judgment, and liens against personal property continue for twenty years. Liens may be revived at the close of these periods by agreement of the parties or by the issuance of a writ of scire facias.

The prothonotary also notes all executions on cases entered on the docket, certain modification, vacation, and striking off of judgment, and all satisfactions of judgment. Whenever money is paid into court to discharge a lien, the prothonotary enters on the Judgment Index along with record of that judgment the notation "lien discharged." Upon entering judgment other than upon a verdict or order of the court, the prothonotary must require a certificate of the plaintiff's "precise residence address." This certificate is filed with the other papers of the case, the address is entered on the Judgment Index, and the prothonotary reports it to the county commissioners. When a case is appealed, and the necessary bond has been posted, the prothonotary marks in the Continuance Docket and the Judgment Index "appeal perfected, lien discharged." The judgment then ceases to be a lien pending the decision of the higher court. If the Supreme or Superior Court confirms the judgment, the prothonotary enters judgment as of that date. The prothonotary enters judgment of nonsuit when, for any one of a number of reasons, one of the parties of a case by a certain action or lack of action causes the case to be defaulted.

The prothonotary files and records mechanics' liens, or claims against a property by persons who have expended labor or materials on that property. Tax liens and liens filed against property by the county and other civil divisions for unpaid assessments, sewer rentals, and bills for municipally owned utilities are placed on file along with "suggestions of non-payment" which have the effect of reviving the claim. In Lehigh County mechanics', municipal, and tax liens are all filed together. At first, the Mechanics Lien Docket was used as a place of record for all these types of liens, but from time to time new dockets have been started to contain records of only one specific type of lien. The Locality Indexes are records of property against which mechanics', tax, or municipal liens have been filed. They are arranged according to the location of the property.

The prothonotary keeps records of all land in the county for which purchase money is due to the State. He also keeps on file the orders sent by the Department of Internal Affairs requiring him to enter satisfaction on such liens.



A State appropriation to an institution constitutes a lien on the real estate of that institution when the real estate is sold. The institution sends an acceptance of the appropriation to the Auditor General who transmits a certificate of acceptance to the prothonotary. These, like other liens, are recorded by the prothonotary. When such a lien has been paid, a certificate to that effect is sent by the State Treasurer to the prothonotary, who thereupon marks the lien "satisfied."

Notices of liens on real estate in the county for taxes payable to the United States, and notices of the discharge of such liens are filed in this office and entered on record on the Federal Tax Lien Index.

The prothonotary keeps records relating to a number of special matters. Prior to 1925, adoption cases came under the jurisdiction of the court of common pleas, and papers relating to such cases are found in the Common Pleas Files.

Appeals from a number of bodies are made to the court of common pleas, and papers regarding most of these cases are placed in the Common Pleas Files. These include appeals from the decisions of justices of the peace, the board of assessment and revision, the salary board, the Workmen's Compensation Board, and the State Board of Motion Picture Censors. Also brought before the court are appeals from all types of viewers' reports,<sup>8</sup> and from the reports of the county controller and former auditors, and borough, township, and school district auditors. In addition, the court of common pleas hears appeals from the decisions of the Department of Public Instruction as to the dismissal of a professional employee of the public school system, and from persons whose automobile operator's licenses or learner's permits have been suspended or whose applications for such licenses or permits have been rejected. Policemen aggrieved by suspension, removal or reduction in rank also appeal to the court of common pleas, as do municipal employees dismissed for advocacy of un-American or subversive doctrines. Appeals from decisions of the county board of assistance or the Department of Public Assistance refusing relief for the advocacy of such doctrines also go before the court of common pleas.

In response to a writ of certiorari from a higher court, the prothonotary sends to that court the record of the case to be appealed, as certified by a common pleas judge. Prior to 1834 the judges of the Supreme Court went on circuit through the counties to hear certain cases. With the abolition of the circuit court, its records were lodged with the prothonotary.

The prothonotary has certain duties in connection with the selection

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<sup>8</sup> See chapter on Board of Viewers.



of arbitrators. He places in the Common Pleas Files all papers in arbitration proceedings and keeps a record of them in the Continuance Docket.

Any person desiring to change his name petitions the court of common pleas for an order permitting him to do so. These petitions and reports of investigations conducted prior to the granting of such order are filed in this office. People wishing to engage in business under an assumed name apply to the prothonotary for a certificate. These certificates are recorded by the prothonotary. Upon a request made by any person concerned, the prothonotary cancels a certificate or notes on the certificate withdrawals of members from the business.

Conditional sales contracts or copies of them are filed in this office in a special file. They are then entered in the Conditional Sales Docket.

During most of the years since the early nineteenth century, the court of common pleas has had certain authority over the granting of charters to corporations organized for charitable and beneficial purposes as against the purely commercial corporations which have been under the supervision of the State. Persons desiring to incorporate for such purposes file with the prothonotary certificates of incorporation, amendment, merger, and change of name, and petitions for dissolution. At present, all corporations under the supervision of the court of common pleas are those which have been classified as nonprofit corporations. Applications for charters and for amendments to charters are filed with the prothonotary. In some cases a master is appointed to investigate the advisability of granting charters. His reports are also filed in this office.<sup>9</sup> The court may not enter a decree dissolving a nonprofit medical service corporation unless a certificate of approval of the State Insurance Department is filed with the prothonotary. The prothonotary makes a monthly report to the Department of State of all incorporations, changes of corporate names, and merger, consolidation, and dissolution proceedings consummated during the preceding month. The prothonotary also keeps a record of all partnerships in the county, noting any changes made in memberships or addresses of members. Except for applications for charters, all the papers relating to corporations and partnerships are placed in the Common Pleas Files.

The granting of divorces comes under the jurisdiction of the court of common pleas, and all papers relating to divorce cases are filed with the court. These include elections of divorced women to resume the use of their maiden names. The prothonotary must send to the State Department of Health certification of all divorces and annulments of

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<sup>9</sup> *Court Rules*, Rules 81, 82, pp. 55-6.

marriage granted by the court. These are filed and registered by the Department as part of its vital statistics records.

In the Common Pleas Files are found all papers filed in actions to recover real estate or compel a conveyance.<sup>10</sup> These include rules for the commencement of ejectment proceedings and applications for such rules, descriptions of the land of which the title is in dispute, abstracts of their title to the property as filed by plaintiff and defendant, and papers filed in estrepement proceedings, restraining waste of the property pending conclusion of the ejectment proceedings. A record of these matters is kept in the Continuance Docket.

The court of common pleas has always had certain authority over the conduct of elections, and records relating to elections are filed with the prothonotary. At present, there are filed in this office returns of elections for school directors, petitions for an opening of ballot boxes, and petitions of persons whose claim to registration has been denied, and of people nominated under different names or aggrieved by certain orders and decisions of the county board of elections. Other papers filed in this office are those relating to contested nominations and elections for justices of the peace and aldermen, and all other county and local officers, judges of the county courts, and members of the General Assembly and Congress. The prothonotary sends the results of all these contested nominations to the Governor and the county board of elections. Before 1937, many additional papers relating to elections were filed in this office. These included lists of candidates and voters, tally papers, oaths of election officers, and election returns or copies of such returns, complaints on registration matters, objections to nomination papers, affidavits that a certain name was going to be used by a designated group of members of a political party, appeals from the primary election return board, petitions for the appointment of overseers of election, and affidavits of the right to vote. In addition, the prothonotary formerly kept in the Election Docket a record of the results of all elections.

In Lehigh County the court of common pleas has always possessed equity jurisdiction, and papers relating to matters in equity are filed with the prothonotary. A record of them is made on the Continuance Docket.

In all types of proceedings finally brought to judgment, execution proceedings are begun under the court of common pleas, and a number of records are kept by the prothonotary. He receives all dockets of writs kept by the sheriff. Among other papers filed in this office are

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<sup>10</sup> *Court Rules*, Rules 124, 130-33, pp. 79, 81-3.

schedules of distribution of the proceeds of sheriffs' sales, returns of sheriffs' sales, claimants' bonds, statements of claim, and inventories in cases of interpleader, and papers filed in proceedings to establish title to property sold. After acknowledgment and pending delivery for recording, sheriffs' deeds are kept by the prothonotary, who formerly recorded them as well. Bonds given by purchasers of real estate at tax sales are filed in this office and entered on record. After every tax sale, the city or county treasurer makes a report of it to the court. The prothonotary records treasurers' deeds, and keeps a record of the redemption of property sold at treasurer's sales. It may be noted that there are few records in Lehigh County which relate to treasurer's sales. This is due to the fact that in this county until recently it has been customary to consider unpaid taxes under the terms of the Municipal Lien Act of 1923. Therefore, the sheriff rather than the treasurer has been in charge of the sale of property for delinquent taxes.

Insolvency is another matter over which the court of common pleas has certain jurisdiction. Papers relating to these matters which are filed in this office include inventories and appraisements of estates assigned for the benefit of creditors, bonds of assignees, schedules of distribution, accounts of trustees or assignees, petitions that trustees or assignees are abusing their trust, petitions for the discharge of trustees, and petitions for the sale of real estate by assignees. A number of papers relating to the liquidation of the assets of closed banks are also filed with the prothonotary.

Certain supervision over the affairs of persons adjudged to be habitual drunkards or insane or otherwise mentally incapable is given to the court of common pleas, and papers relating to these matters are filed in this office. These include petitions for the appointment of a guardian or lunacy commission, the reports of lunacy commissions and of committees appointed to care for the estates or persons of adjudged lunatics or habitual drunkards, inventories of the property of lunatics, accountings prepared by committees triennially and at the conclusion of the trust, and applications for the commitment of lunatics, habitual drunkards, and mental defectives.

The court of common pleas has always been permitted to exercise jurisdiction over naturalization, and it has always done so in Lehigh County. Some of the papers relating to these matters are filed separately, but others have been placed in the Common Pleas Files.

In the Partition Docket, the prothonotary enters at length all proceedings in partition. These include the sheriff's inquisition, masters' reports and all orders of the court in relation to partition and common recoveries.



When a workman's compensation case has been erroneously begun in the court of common pleas instead of before the Workmen's Compensation Board, the prothonotary, upon request of either party, certifies the case to the board, including all proceedings held before the court. Appeals from the decisions of the board are taken to the court of common pleas and thence to the Supreme or Superior Court. When notice of such an appeal to the court of common pleas has been filed, the prothonotary issues a writ of certiorari to the board, commanding it to certify to the court its entire record in the case. As soon as a verdict is rendered on an appeal, the prothonotary certifies it and a copy of any opinion filed in the case to the board. After a verdict has been rendered by the Supreme or Superior Court, the prothonotary remits to the Workmen's Compensation Board its record of the case. The prothonotary makes a monthly report to the board of the disposition of all appeals taken to the court of common pleas. Copies of temporary compensation agreements or claims for compensation may be filed with the prothonotary who also files supplemental awards modifying, suspending, or reinstating any award or agreement and certificates of the payment of compensation judgments.

The prothonotary keeps registers of professional people such as attorneys and law students, physicians, midwives, dentists, optometrists, osteopaths, and veterinarians. From 1903 until 1905 the prothonotary was in charge of the registration of automobiles. Disabled veterans wishing to secure peddlers' licenses free of charge file a petition with the prothonotary. During periods of war, applications for various kinds of explosives licenses are filed in this office. Papers relating to action leading to possible disbarment of attorneys are also filed with the prothonotary.<sup>11</sup>

The prothonotary keeps a record of the names placed in the jury wheel and of persons drawn for jury service. He certifies to the officials in charge of selecting jurors the names of attending, defaulting, and excused jurors.

At the close of their terms of office, the justices of the peace and aldermen of the county deliver all filled dockets to the prothonotary who keeps them open to public inspection. He keeps a record of all judgments rendered by aldermen and justices against boroughs, townships, and school directors. A special act of 1814 required that the prothonotary keep a record of the districts for justices of the peace.<sup>12</sup>

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<sup>11</sup> *Court Rules*, Rule 45, pp. 31-2.

<sup>12</sup> 1814 P.L. 96 sec. 1.



The prothonotary keeps accounts of the fees and costs received by him. He makes monthly returns to the Department of Revenue, and pays over to the State Treasurer all money received for the use of the Commonwealth, including the tax which he collects on legal documents. He must make a report to the Department of Revenue of all money and effects deposited in court of which the owner's whereabouts have been unknown for seven years. He keeps a daily record of every instrument securing a debt which is filed in his office. Copies of this record must be transmitted monthly to the Department of Revenue and the county commissioners.

In a number of types of cases, fiduciaries are under the supervision of the court of common pleas. Accounts of these fiduciaries and auditors' reports relating to such accounts are filed with the prothonotary and recorded in a separate docket. The prothonotary keeps a record of money deposited in court in lieu of bail or recognizance. Whenever money is paid into court, it is deposited in a bank designated by the court, and it may be withdrawn only on order of the court attested by the prothonotary.<sup>13</sup>

The prothonotary was formerly in charge of the distribution of the pamphlet laws to the officials who were entitled to them. He was obliged to keep a book of the receipts for the pamphlet laws signed by the officials and containing a promise to turn over the volumes to their successors. The prothonotary still keeps on file for one year after their receipt advance sheets of the pamphlet laws.

Certain reports are made to the court of common pleas and filed with the prothonotary. These include reports of the county controller and his predecessor the auditors, school district auditors, the county law library committee, and viewers in eminent domain<sup>14</sup> and lateral railroad proceedings.

Before anyone may secure a position as deputy sheriff, there must be filed with the prothonotary his photograph and an affidavit stating his name, age, and residence, that he is an American citizen, 21 years of age or older, and a resident of the county for the past two years. In addition, the affidavit states that the applicant has never been convicted of a crime involving moral turpitude, and that he has not during the past two years acted or attempted to act as a detective or guard in a labor dispute.

A few other miscellaneous papers are in the custody of the prothonotary, and are placed in Common Pleas Files. These include brand-

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<sup>13</sup> *Court Rules*, Rule 184, pp. 111, 113.

<sup>14</sup> See chapter on Board of Viewers.

marks used by the manufacturers of certain products, petitions for married women to be allowed to transact business and keep their separate earnings, and petitions for the appointment of viewers in lateral railroad and eminent domain proceedings.

The prothonotary is obliged to keep in a separate book all rules adopted by the court of common pleas. Whenever a new rule is adopted or an old rule amended or abrogated, the prothonotary enters this in his record book, posts it in his office for four weeks, and has it printed in one issue of the *Lehigh County Law Journal*.<sup>15</sup> He must keep a complete file of copies of the *Lehigh County Law Journal*.<sup>16</sup>

Unless otherwise stated, records of the prothonotary are kept in his office.

### Minutes

#### 80. MINUTE BOOK, 1821—.

52 vols. Minutes of proceedings in common pleas court cases, showing court term and case no.; names of parties, attorneys, jurors, and presiding judge; and nature and disposition of case. Arr. chron. by court term. No index. Hdw. and typed. Aver. 600 pp. 14 x 9 x 2.

#### 81. CIRCUIT COURT MINUTES, 1827-34.

1 vol. Discontinued. Minutes of circuit court sessions, showing court term and case no.; date and time convened and adjourned; list of cases tried; names of parties, attorneys, and judge; disposition of cases; and list of jurors with record of their attendance. Arr. chron. by court term. No index. Hdw. 90 pp. 13 x 4 x 1/2.

### Trial and Argument Lists

#### 82. TRIAL ORDER BOOK, 1890—.

4 vols. (labeled by court term). Record of cases listed for trial, showing court term and case no., list no., names of parties and attorneys, nature of case, and date listed for trial. Also contains: Argument List, 1925—, entry 83. Arr. chron. by term of court and thereunder num. by list no. No index. Hdw. on ptd. fm. Aver. 250 pp. 15 x 10 x 2. 2 vols., 1890-1906, attic strm. closet No. 36; 2 vols., 1907—, off. vlt.

#### 83. ARGUMENT LIST, 1845-1924.

15 vols. (labeled by court term). 1925— in Trial Order Book, entry 82. Record of cases listed for argument court, showing court term and

<sup>15</sup> *Court Rules*, Rule 226, pp. 139, 141.

<sup>16</sup> *Court Rules*, Rule 5, p. 3.

case no., names of parties and attorneys, cause of action, and disposition. Arr. chron. by court term. No index. Hdw. and typed. Aver. 450 pp. 12 x 10 x 2. Attic strm. closet No. 36.

#### **84. CIRCUIT COURT TRIAL LIST, 1827-34.**

1 vol. (dated). Discontinued. List of cases scheduled for trial in circuit court, showing court term and case no., names of parties and attorneys, nature of case, date of trial, and disposition of case. Arr. chron. by court term. No index. Hdw. 200 pp. 7½ x 6½ x 1. Attic strm. closet No. 36.

### **Papers and Dockets**

#### **85. (COMMON PLEAS FILES), 1812—.**

1,643 f.b. (labeled by court term and contained case nos.). Papers filed in proceedings in common pleas court, showing court term and case no., date filed, names of parties and attorneys, character of instrument, cause for action, disposition, and official seal and signatures. Also contains: Declaration of Intention, 1812-1901, entry 144; Petition and Record, 1812-1905, entry 143; (Supreme Court Papers), 1812-76, 1888—, entry 124; Accounts, 1812-88, 191—, entry 165; Equity (Papers), 1812-47, entry 104; Bill of Costs, 1861—, entry 163; Charters, 1866-79, 1910—, entry 103; and Stipulations (against Liens), 1901-27, entry 107. Arr. chron. by court term. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

#### **86. CONTINUANCE DOCKET, 1812—.**

124 vols. (labeled by court term). Record of all proceedings in common pleas court, showing court term and case no.; names of plaintiff, defendant, and attorneys; cause for action; abstract of all papers filed; costs; and disposition. Also contains: Partition Docket, 1812-62, entry 102; and Sheriff's Deed Docket, 1812-76, entry 136. Arr. chron. by court term. Indexed alph. by first letter of surname of parties; for separate indexes see entries 87, 91, 92, 137, 138. Hdw. and typed. Aver. 700 pp. 18 x 12 x 3.

#### **87. EJECTMENT AND MISCELLANEOUS INDEX, 1812—.**

23 vols. (labeled by contained letters of the alphabet). Index to ejectment, lunacy, divorce, habitual drunkards, equity, and condemnation proceedings recorded in Continuance Docket, entry 86, showing court term and case no., names of parties, character of proceeding, and vol. and p. reference. Arr. alph. by first letter of surnames of parties. Typed on ptd. fm. Aver. 250 pp. 18 x 15 x 2½.



**88 (Obsolete) INDEX TO LUNATICS, DIVORCE AND HABITUAL DRUNKARDS, 1880-1929.**

1 vol. (1). Index to lunatics, divorce, and habitual drunkard cases recorded in Continuance Docket, entry 86, transcribed into Ejectment and Miscellaneous Index, entry 87. Arr. alph. by first letter of surnames of parties. Hdw. and typed on ptd. fm. 400 pp. 18 x 12 x 2.

**89. (Obsolete) EJECTMENT INDEX, 1856-1928.**

1 vol. (1). Index to ejectment cases recorded in Continuance Docket, entry 86, transcribed into Ejectment and Miscellaneous Index, entry 87. Arr. alph. by first letter of surnames of parties. Hdw. 300 pp. 18 x 12 x 1¾.

**90. (Obsolete) INDEX TO CONDEMNATIONS, 1855-1931.**

1 vol. Index to condemnation proceedings recorded in Continuance Docket, entry 86, transcribed into Ejectment and Miscellaneous Index, entry 87. Arr. alph. by first letter of surname of party. Typed on ptd. fm. 200 pp. 18 x 14 x 2.

**91. JUDGMENT INDEX, 1830—.**

125 vols. (labeled by contained letters of the alphabet). Record of and index to judgments recorded in Continuance Docket, entry 86, showing court term and case no.; names of parties; date, type, and amount of judgment; and date satisfied. Arr. alph. by first letter of surname of defendant. Hdw. and typed on ptd. fm. Aver. 370 pp. 18½ x 15 x 2½.

**92. PLAINTIFFS INDEX TO JUDGMENTS, 1812—.**

17 vols. (12 vols. labeled by no. of Continuance Docket; 5 vols. labeled by contained letters of the alphabet). Title varies slightly. Index to judgments recorded in the Continuance Docket, entry 86, showing names of plaintiff and defendant, court term, amount and date of judgment and satisfaction, and vol. and p. reference. Arr. alph. by first letter of given name of plaintiff. Hdw. on ptd. fm. 18 x 10 x 4.

**93. APPEARANCE DOCKET, 1812—.**

51 vols. (labeled by court term). Record of all papers filed in common pleas court proceedings, showing court term and case no., names of parties and attorneys, cause of action, date and character of instrument, costs, fees, and date paid. Arr. chron. by court term. No index. Hdw. and typed. Aver. 650 pp. 15 x 12 x 2. 47 vols., 1812-1931, attic strm. closets Nos. 35, 36; 4 vols., 1931—.

**94. CIRCUIT COURT (Papers), 1812-36.**

1 f.b. Discontinued. Papers filed in cases heard in circuit court, showing court term and case no., date and type of instrument, names of parties and attorneys, disposition of case, list of jurors, official seal and signatures, and date filed. Arr. chron. by date filed. No index. Hdw. 10 x 5 x 14.

**95. CIRCUIT COURT DOCKET, 1826-34.**

1 vol. Discontinued. Record of proceedings in cases heard by circuit court, showing court term and case no., names of parties and attorneys, nature of case, dates and types of papers filed, costs and disposition of case. Arr. chron. by court term. No index. Hdw. 300 pp. 13 x 8 x 2.

**96. BRIEFS, 1896—.**

2 f.b. Briefs filed by attorneys, showing court term and case no., names of parties, exhibits, and signature of attorney. Arr. chron. by court term. No index. Typed. 10 x 5 x 14.

**97. STENOGRAPHIC SHORTHAND BOOKS, 1937—.**

52 vols. (labeled by court term). Court stenographer's notes of testimony taken in common pleas court, showing court term and case no.; names of parties, attorneys, witnesses, and presiding judge; nature of testimony; and disposition of case. Arr. chron. by court term. No index. Hdw. Aver. 160 pp. 9 x 5 x 1/2. Court stenographer's off.

**Oaths and Bonds**

(*See also* entries 62, 190, 191, 242-245, 333)

**98. JUSTICE ACCEPTANCE, 1878—.**

1 f.b. Acceptances of office of newly elected aldermen and justices of the peace, showing date, name and address of official, date of election, and signatures of justice or alderman. Arr. chron. by date filed. No index. Hdw. and typed. 10 x 5 x 14.

**99. OFFICIALS' BONDS AND OATHS, 1869—.**

4 f.b. (dated). Oaths and bonds posted by officials elected or appointed to public office, showing name, title, and tenure of official; date, amount, and conditions of obligation of bond; name and address of surety; official seal and signatures; date filed; and vol. and p. reference to recording in Commission Docket, entry 62. Arr. chron. by date filed. No index. Hdw. and typed. 10 x 5 x 14.

**100. BONDS, 1853—.**

12 f.b. (5 f.b. dated; 7 f.b. labeled by contained bond nos.). Bonds posted in appeals to higher court, replevin proceedings, and bonds of guardians, showing court term and case no.; bond no.; names and addresses of principal and surety; date, amount, type, and conditions of obligation of bond; official seal and signatures; and date filed. Arr. chron. by date filed, 1853-1915; arr. num. by bond no., 1916—. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

**101. RECOGNIZANCE DOCKET, 1814-35.**

1 vol. (dated). Bonds posted on appeals from arbitrators' awards, showing court term and case no.; names of plaintiff and defendant; cause for action; date, amount, and conditions of obligation of bond; name and address of principal and surety; official seal and signatures; and date filed. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 200 pp. 13 x 8 x 1. Attic strm. closet No. 36.

### Partitions

(*See also* entry 241)

**102. PARTITION DOCKET, 1863—.**

2 vols. (1, 2). 1812-62 in Continuance Docket, entry 86. Record of partition proceedings, showing date; court term and case no.; names of parties, heirs, and attorneys; location and description of property; dates of writ and return; cost; and schedule of distribution. Arr. chron. by court term. Indexed alph. by first letter of surnames of parties. Hdw. and typed. Aver. 350 pp. 16 x 11 x 2.

### Charters

**103. CHARTERS, 1880-1909.**

1 f.b. 1866-79, 1910— in (Common Pleas Files), entry 85. Petitions filed for granting of charters, showing date filed; court term and case no.; name, address, and purpose of organization; names of incorporators; disposition; official seal and signatures; and vol. and p. reference to recording in Charter Docket, entry 63. Arr. chron. by date filed. No index. Hdw. and typed. 10 x 5 x 14.

### Equity

**104. EQUITY (Papers), 1848—.**

81 f.b. (44 f.b. dated; 37 f.b. labeled by court term). 1812-47 in (Common Pleas Files), entry 85. Papers filed in equity proceedings,



showing court term and case no., names of parties and attorneys, date and character of instrument, cause for action, disposition, official seal and signatures, and date filed. Arr. chron. by court term. No index. Hdw. and typed. 10 x 5 x 14.

## **Mental**

### **105. MENTAL HEALTH, 1924—.**

2 f.b. Petitions filed for commitment of mentally defective persons to institutions, showing court term and case no., names and addresses of petitioner and alleged mentally defective person, history and financial status, relationship to petitioner, medical findings, disposition, and official seal and signatures. Arr. chron. by court term. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

## **Liens**

### **106. (TAX, MECHANICS', AND MUNICIPAL LIENS), 1837—.**

250 f.b. (labeled by court term and contained lien nos.). Liens filed against property, showing court term and case no.; lien no.; names of parties; date, nature, and amount of lien; location and description of property; name of owner or reputed owner; official seal and signatures; and dates of filing and satisfaction. Also contains: Borough, Township and School Tax Liens, 1837-1940, entry 111A. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

### **107. STIPULATIONS (Against Liens), 1928—.**

6 f.b. (labeled by contained stipulation nos.). 1901-27 in (Common Pleas Files), entry 85. Agreements between contractors and owners for protection of owners against filing of mechanics' liens, showing court term and case no., stipulation no., names and addresses of owner and contractor, location and nature of construction, terms of agreement, official signatures, and date filed. Arr. chron. by date filed and thereunder num. by stipulation no. No index. Typed. 10 x 5 x 14.

### **108. STIPULATIONS VS. LIENS, 1928—.**

5 vols. (1-5; also labeled by contained stipulation nos.). 1901-27 in Mechanics' Lien Docket, entry 109. Record of agreements between contractors and owners for protection of owners against filing of mechanics' liens, showing information as in entry 107. Arr. chron. by date filed. Indexed alph. by first letter of surname of contractor. Aver. 600 pp. 18 x 12 x 3.

**109. MECHANICS' LIEN DOCKET, 1837—.**

33 vols. (1-33; also labeled by court term and contained lien nos.). Record of liens filed by contractors against property, showing court term and case no., lien no., names of parties, nature and amount of claim, location and description of property, and dates of filing and satisfaction. Also contains: County Tax Lien Docket, 1837-1932, entry 111; School Tax Lien Docket (Allentown), 1854-1932, entry 112; School Tax Bethlehem, 1854-1932, entry 113; School Tax Docket (Salisbury, Whitehall, and South Whitehall), 1854-1933, entry 114; Road Tax Docket, 1877-1933, entry 115; Street Grading, Paving, and Curbing Lien Docket, 1855-1925, entry 117; City Tax Lien Docket, 1868-1924, entry 110; Municipal Claim for Laying Water Pipes, 1889-1924, entry 116; and Stipulations vs. Liens, 1901-27, entry 108. Arr. chron. by court term and thereunder num. by lien no. Indexed alph. by first letter of surnames of parties; also indexed in Judgment Index, entry 91. Hdw. and typed. Aver. 600 pp. 18 x 12 x 3.

**110. CITY TAX LIEN DOCKET, 1925—.**

35 vols. (1-35; dated and labeled by contained lien nos.). 1868-1924 in Mechanics' Lien Docket, entry 109. Record of liens filed for unpaid taxes, showing information as in entry 111. Arr. chron. by court term and thereunder num. by lien no. Indexed alph. by first letter of surname of defendant. Typed on ptd. fm. Aver. 600 pp. 18 x 12 x 3.

**111. COUNTY TAX LIEN DOCKET, 1933—.**

22 vols. (1-22; dated and labeled by contained lien nos.). 1837-1932 in Mechanics' Lien Docket, entry 109. Record of liens filed for unpaid county taxes, showing name of civil division; court term and case no.; year, type, and amount of tax; location and description of property; lien no.; name of owner or reputed owner; and dates filed, recorded, and satisfied. Arr. chron. by court term and thereunder num. by lien no. Indexed alph. by first letter of surname of defendant. Typed on ptd. fm. Aver. 600 pp. 18 x 12 x 3.

**111A. BOROUGH, TOWNSHIP AND SCHOOL TAX LIENS, 1941—.**

9 vols. (1-9). 1837-1940 in (Tax, Mechanics', and Municipal Liens), entry 106. Original liens filed by boroughs, townships and school districts, showing information as in entry 106. Arr. chron. by date filed. For separate index, see entry 91. 900 pp. 10 x 8 x 3.

**112. SCHOOL TAX LIEN DOCKET (Allentown), 1933—.**

18 vols. (1-18; also labeled by court term and contained lien nos.). 1854-1932 in Mechanics' Lien Docket, entry 109. Record of liens filed

against property for unpaid school taxes, showing court term and case no., location and description of property, lien no., year and amount of taxes due, name of owner or reputed owner, and dates filed and satisfied. Arr. chron. by court term and thereunder num. by lien no. Indexed alph. by first letter of surname of defendant. Typed on ptd. fm. Aver. 600 pp. 18 x 12 x 3.

**113. SCHOOL TAX, BETHLEHEM, 1933—.**

3 vols. (1-3; also labeled by court term and contained lien nos.). 1854-1932 in Mechanics' Lien Docket, entry 109. Record of liens filed against property for unpaid school taxes, showing information as in entry 112. Arr. chron. by court term and thereunder num. by lien no. Indexed alph. by first letter of surname of defendant. Typed on ptd. fm. Aver. 500 pp. 18 x 12 x 2½.

**114. SCHOOL TAX DOCKET (Salisbury, Whitehall, and South Whitehall), 1934-40.**

5 vols. (labeled by civil division and contained lien nos.). 1854-1933 in Mechanics' Lien Docket, entry 109. Record of liens filed against property for unpaid school taxes, showing information as in entry 112. Arr. chron. by court term and thereunder num. by lien no. Indexed alph. by first letter of surname of defendant. Typed on ptd. fm. Aver. 500 pp. 18 x 12 x 2½.

**115. ROAD TAX DOCKET, 1934-40.**

5 vols. (labeled by civil division and contained lien nos.). 1877-1933 in Mechanics' Lien Docket, entry 109. Record of liens filed for unpaid road taxes, showing information as in entry 109. Arr. chron. by court term and thereunder num. by lien no. Indexed alph. by first letter of surname of defendant. Typed on ptd. fm. Aver. 600 pp. 18 x 12 x 3.

**116. MUNICIPAL CLAIM FOR LAYING WATER PIPES, 1925—.**

2 vols. 1889-1924 in Mechanics' Lien Docket, entry 109. Record of municipal claims against properties for laying water pipes, showing information as in entry 109. Arr. chron. by court term and thereunder num. by lien no. Indexed alph. by first letter of surname of defendant. Typed on ptd. fm. Aver. 300 pp. 18 x 12 x 2.

**117. STREET GRADING, PAVING, AND CURBING LIEN DOCKET, 1926—.**

6 vols. (1-6; also labeled by court term and contained lien nos.). 1855-1925 in Mechanics' Lien Docket, entry 109. Record of public improvement liens filed against property, showing information as in entry



109. Arr. chron. by court term and thereunder num. by lien no. Indexed alph. by first letter of surname of defendant. Typed on ptd. fm. Aver. 500 pp. 18 x 12 x 2½.

**118. SEWER LIEN DOCKET, 1922-24, 1929—.**

28 vols. (3 vols. 1-3; 25 vols. labeled by dist. no.; also by court term and contained lien nos.). Record of municipal liens filed against properties for sewer improvements, showing information as in entry 109. Arr. chron. by court term and thereunder num. by lien no. Indexed alph. by first letter of surname of defendant. Typed on ptd. fm. Aver. 525 pp. 18 x 12 x 3.

**119. LOCALITY INDEX (Allentown), 1931—.**

10 vols. (labeled by contained ward nos.). 1902-31 in Locality Index (Boroughs and Townships), entry 120. Index to location of property against which tax, mechanics', or municipal liens have been filed, showing court term and case no., ward no., street address, description of property, type and amount of lien, vol. and p. reference, and dates filed and satisfied. Arr. alph. by name of street. Typed on ptd. fm. Aver. 250 pp. 18 x 15 x 2½.

**120. LOCALITY INDEX (Boroughs and Townships), 1902—.**

12 vols. (labeled by civil division). Index to location of property against which mechanics', municipal, or tax liens have been filed, showing names of civil division and street; ward, lot, and house nos.; court term and case no.; date, type, and amount of lien; description of property; name of owner or reputed owner; and dates filed and satisfied. Also contains: Locality Index (Allentown), 1902-30, entry 119. Arr. alph. by name of civil division. Hdw. and typed on ptd. fm. Aver. 250 pp. 18 x 15 x 2½.

**121. SATISFACTION OF LAND LIENS, 1870-1900.**

1 f.b. Certificates of satisfaction of State liens on land patents, showing name of original owner and payer of lien, location and description of property, amount, lien no., name of civil division, official seal and signatures, and dates of filing and satisfaction. Arr. chron. by date of satisfaction. No index. Hdw. on ptd. fm. 10 x 5 x 14.

**122. FEDERAL TAX LIENS, 1931—.**

1 f.b. Original notices and discharges of Federal tax liens, showing serial no., name and address of taxable, location and description of property, kind and amount of tax, dates filed and discharged, name of

district, and official signatures. Arr. chron. by date filed and thereunder num. by serial no. No index. Typed on ptd. fm. 10 x 5 x 14.

**123. FEDERAL TAX LIEN INDEX, 1931—.**

1 vol. (1). Record of liens filed for nonpayment of Federal taxes, showing name of civil division, tax year, name and residence of taxable, type of tax, serial no. of notice, description and location of property, amount involved, and dates of filing and satisfaction. Arr. chron. by date filed. Indexed alph. by first letter of surname of taxable. Hdw. on ptd. fm. 100 pp. 16 x 11 x 1½.

### **Appeals**

**124. (SUPREME COURT PAPERS), 1877-87.**

1 bdl. 1812-76, 1888—, in (Common Pleas Files), entry 85. Papers filed in cases appealed to Supreme Court, showing court term and case no., names of parties and appellant, cause of action, nature of appeal, disposition, official seal and signatures, and dates returned and filed. Arr. chron. by court term. No index. Hdw. 8½ x 6½ x 5. Attic strm. closet No. 49.

**125. WORKMEN'S COMPENSATION, 1917—.**

2 f.b. Papers filed in appeals taken from decisions of Workmen's Compensation Board, showing court term and case no., nature of case and appeal, transcript of record, names of parties and attorneys, findings of compensation board, dates of appeal and filing of opinion of court, and official seal and signatures. Arr. chron. by date of filing. No index. Typed 10 x 5 x 14.

### **Fictitious Names**

**126. FICTITIOUS NAMES (Certificates), 1917—.**

10 f.b. (labeled by contained certificate nos.). Certificates filed by applicants for registration of fictitious names to be used in business, showing date, certificate no., names and addresses of owners and interested parties, trade name to be used, kind and location of business, affidavit, official seal and signatures, and date filed. Arr. num. by certificate no. No index. Typed on ptd. fm. 10 x 5 x 14.

**127. FICTITIOUS REGISTRATION RETURN FROM HARRISBURG, 1934—.**

1 f.b. Reports from the Commonwealth of registration of fictitious names in business, showing dates of report and filing, name and address

of owner, trade name, nature and location of business, and date registered with Secretary of the Commonwealth. Arr. chron. by date filed. No index. Typed. 10 x 5 x 14.

**128. FICTITIOUS (Names) IN BUSINESS (Docket), 1919—.**

5 vols. (1-5 and dated). Record of persons conducting business under an assumed name, showing date; names and addresses of parties; trade name; kind and location of business; names of owner, agent conducting business, and prothonotary; and dates filed and recorded. Arr. chron. by date filed. Indexed alph. by first letter of trade name. Typed. Aver. 500 pp. 18 x 13 x 2½.

### Conditional Sales

**129. CONDITIONAL SALES, 1916—.**

30 f.b. (labeled by contained contract nos.). Conditional sales contracts, showing date, contract no., names of buyer and seller, description and location of articles purchased, sale price, balance due, terms of agreement, receipts, dates of filing and satisfaction, and official signatures. Arr. chron. by date filed and thereunder num. by contract no. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

**130. CONDITIONAL SALES DOCKET, 1916—.**

5 vols. (1, 1-4 and dated). Record of conditional sales contracts filed, showing date, certificate no., names and addresses of buyer and seller, description and location of articles purchased, sale price, terms of agreement, balance due, and dates of filing and satisfaction. Arr. chron. by date filed and thereunder num. by certificate no. Indexed alph. by first letter of surnames of parties. Hdw. and typed on ptd. fm. Aver. 500 pp. 18 x 12 x 3.

### Elections

**131. ELECTION OFFICERS, 1912-31.**

1 f.b. 1932— in Petitions for Appointments, entry 206. Petitions filed to fill vacancies of election board officers, showing court term and case no.; name of election district; names and addresses of petitioners, applicant, and former incumbent; reason for vacancy; title of office; official signatures; and dates filed and approved. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 10 x 5 x 14.



**132. SCHOOL SUPERINTENDENT ELECTION RETURNS, 1918—.**

1 f.b. Election returns from school boards for district and county superintendents, showing date of election; names of district, candidates, and school board members; total number of votes cast for each candidate; certification of superintendent; and date of filing return. Arr. chron. by date filed. No index. Typed. 10 x 5 x 14.

**133. ELECTION, 1916-36.**

5 f.b. (dated). Duplicate copies of official computation of general election returns made to Secretary of the Commonwealth, showing date of election; names of candidates, elective offices, and party affiliations; number of votes cast for each candidate; date of certification; and official seals and signatures of judges and prothonotary. Arr. chron. by date certified. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

**134. ELECTION DOCKET, 1839-1936.**

3 vols. Record of official election returns, showing date and type of election; names of civil division, candidates, offices sought, and party affiliation; and tabulation by civil divisions of total votes cast for each candidate. Arr. chron. by date of election. No index. Hdw. and typed. Aver. 600 pp. 16 x 12 x 3. For election returns, 1937—, *see* entry 401.

**Executions**

**135. COMMON PLEAS EXECUTION DOCKET, 1822—.**

28 vols. (labeled by court term). Record of execution proceedings, showing court term and case no., names of plaintiff and defendant, amounts of debt and costs, location and description of property, type of writ issued, date levied, sheriff's return, and date recorded. Arr. chron. by court term. Indexed alph. by first letter of surname of defendant. Hdw. Aver. 600 pp. 16 x 12 x 3. 19 vols., 1822-1929, attic strm. closet No. 36; 6 vols., 1929—.

**136. SHERIFF'S DEED DOCKET, 1877-1905.**

6 vols. (1-6). 1812-76 in Continuance Docket, entry 86; 1906— in entry 51. Recorded copies of sheriff's deeds, showing court term and case no.; names of former owner, purchaser, and sheriff; location and description of property; amount involved; and dates of writ of execution, sale acknowledgment, and recording. Arr. chron. by court term. Indexed alph. by first letters of surnames of purchaser and former owner. Hdw. on ptd. fm. Aver. 500 pp. 18 x 12 x 3.

**137. DIRECT INDEX TO SHERIFF'S RETURNS FOR SALE OF REAL ESTATE, 1812-1905.**

1 vol. Index to sheriff's return of sales of real estate recorded in Continuance Docket, entry 86, showing court term and case no., names of former owner and purchaser, location and description of property, date of return, and vol. and p. reference. Arr. alph. by first letter of surname of former owner. Hdw. on ptd. fm. 200 pp. 18 x 14 x 2.

**138. ADSECTUM INDEX TO SHERIFF'S RETURNS FOR SALE OF REAL ESTATE, 1812-1905.**

1 vol. Index to sheriff's return of sales of real estate recorded in Continuance Docket, entry 86, showing information as in entry 137. Arr. alph. by first letter of surname of purchaser. Hdw. on ptd. fm. 200 pp. 18 x 14 x 2.

**139. TREASURERS' DEED BOOK, 1941—.**

1 vol. Recorded copies of treasurer's deeds to property bought at delinquent tax sales, showing date and no. of deed; court term and case no.; names of treasurer, former owner, and purchaser; amount and date of sale; location and description of property; and dates of acknowledgment and redemption. Arr. chron. by date of deed. Indexed alph. by first letter of surname of purchaser. 500 pp. 18 x 10 x 3.

## **Insolvency**

**140. ASSIGNMENTS, 1812—.**

48 f.b. (4 f.b. dated; 44 f.b. labeled by assignment nos.). Papers filed in assignments for benefit of creditors, showing court term and case no., assignment no., names of parties, date and character of paper, value and description of property, schedule of assets and liabilities, official seals and signatures, and date filed. Also contains: Assignment Bonds, 1812-69, 1909—, entry 141. Arr. num. by assignment no. No index. Hdw. and typed. 10 x 5 x 14.

**141. ASSIGNMENT BONDS, 1870-1908.**

3 f.b. (labeled by contained assignment nos.). 1812-69, 1909— in Assignments, entry 140. Bonds filed by assignees of estates, showing assignment no.; names and addresses of principal and surety; date, amount, and conditions of obligation of bond; official seal and signatures; and date filed. Arr. num. by assignment no. No index. Hdw. on ptd. fm. 10 x 5 x 14.

**142. ASSIGNMENT DOCKET, 1839—.**

4 vols. (1-4). Record of papers filed in cases of assignment for benefit of creditors, showing court term and case no.; date filed; names of insolvent, creditors, auditors, and assignee; itemized assets, liabilities, receipts, and disbursements; balance; and schedule of distribution. Arr. chron. by date filed. Indexed alph. by first letter of surname of insolvent. Hdw. and typed. Aver. 500 pp. 16 x 11 x 3.

**Naturalization****143. PETITION AND RECORD, 1906—.**

36 vols. (1-36 and dated). 1812-1905 in (Common Pleas Files), entry 85. Petitions for admission to citizenship, showing petition no.; date filed; name, address, age, color, sex, occupation, and marital status of petitioner; dates and places of birth, emigration, and arrival; last foreign address; oath of allegiance; affidavits of witnesses; official seal and signatures; and date admitted. Arr. num. by petition no. Indexed alph. by first letter of surname of petitioner. Hdw. and typed on ptd. fm. Aver. 500 pp. 18 x 12 x 3.

**144. DECLARATION OF INTENTION, 1902—.**

1 f.b. (unlabeled), 24 vols. (1-24 and dated). Title varies: Record of Declaration of Intention, 1906-27, 15 vols. 1812-1901 in (Common Pleas Files), entry 85. Declaration of intention to become a citizen, showing date; name, local address, age, sex, race, occupation, physical description, marital status, and dates and places of birth, embarkment, and arrival of applicant; name of vessel; last foreign address; names, dates, and places of birth of spouse and children; official seal; and signature of applicant. Arr. chron. by date of declaration. No index, 1902-6; indexed alph. by first letter of surname of applicant, 1906—. Hdw. and typed on ptd. fm. F.b. 10 x 5 x 14; vols. aver. 400 pp. 14 x 9 x 2.

**145. DEPOSITIONS (Naturalization), 1916—.**

2 f.b. Depositions taken in support of aliens' petitions for citizenship, showing date; name of petitioner; petition no.; names, addresses, and occupations of deponents; text of deposition; and official seal and signatures. Arr. chron. by date of deposition. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

**146. ALIEN DOCKET, 1881-1906.**

1 vol. (1). Discontinued. Record of aliens admitted to citizenship, showing name, address, age, and nativity of alien; dates of declaration

of intention and petition for admission to citizenship; and date admitted. Arr. chron. by date admitted. Indexed alph. by first letter of surname of alien. Hdw. 600 pp. 15 x 11 x 3.

### **Licenses and Registrations**

(*See also* entries 210-216, 268, 269, 311-322)

#### **147. BAR ADMISSION, 1912—.**

1 f.b. Papers filed by attorneys for admission to the bar, showing dates filed and admitted, names of attorney and preceptor, type of paper, report of State Board of Examiners, affidavit and signature of attorney, and decree of court. Arr. chron. by date filed. No index. Typed. 10 x 5 x 14.

#### **148. ATTORNEY'S REGISTER, 1812—.**

1 vol. Record of attorneys admitted to practice and law students registered, showing date registered, name and address, name of preceptor, dates of examinations and admission, and examination no. Arr. chron. by date registered. Indexed alph. by first letter of surname of attorney. 200 pp. 16 x 12 x 2. Law library.

#### **149. (DISBARMENT OF ATTORNEYS), 1912—.**

1 f.b. Certified copies of decrees of disbarment of attorneys, showing file no., names of court and attorney, court term and case no., cause, dates of decree and appeal, vol. and p. reference to recording in State Supreme Court records, signature of Chief Justice, and date filed. Arr. chron. by date filed. No index. Typed. 10 x 5 x 14.

#### **150. PHYSICIAN'S STATEMENT, 1881-1903.**

1 f.b. Affidavits, applications, and copies of diplomas filed in registration of physicians, showing date, name and address of physician, names of institutions attended, date and place of birth, degrees and date awarded, dates and places of continuous practice, and official seal and signatures of physician and prothonotary. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 10 x 5 x 14.

#### **151. MEDICAL REGISTER, 1894—.**

1 vol. (1). Register of physicians, showing date, registration no., name and address of physician, date and place of birth, institutions attended, degrees and date awarded, dates and places of continuous practice, and signatures of physician and prothonotary. Arr. chron. by date



of registration. Indexed alph. by first letter of surname of physician. Hdw. on ptd. fm. 300 pp. 14 x 9 x 1.

**152. REGISTER OF MIDWIVES, 1920-23.**

1 vol. (1). Discontinued as a county record; similar subsequent records kept by State Board of Medical Education and Licensure. Register of midwives certified to practice, showing registry no.; name and address of midwife; dates of certificate, affidavit, and registration; and signatures of midwife and prothonotary. Arr. num. by registry no. Indexed alph. by first letter of surname of midwife. Hdw. on ptd. fm. 200 pp. 16 x 12 x 1½.

**153. DENTAL REGISTER, 1899—.**

1 vol. Register of dentists, showing date, registration no., name and address of dentist, date and place of birth, names of institutions attended, degrees and date awarded, date when license was granted by State Dental Council, affidavit of dentist, and signature of prothonotary. Arr. chron. by date of registration. Indexed alph. by first letter of surname of dentist. Hdw. on ptd. fm. 300 pp. 14 x 9 x 2. For recorded copies of dental diplomas, *see* entry 79.

**154. OPTOMETRY REGISTER, 1918—.**

1 vol. Record of licensed optometrists, showing date, registration no., name and address of optometrist, date of granting license, qualifications, vol. and p. reference to recording in State Optometry Register at Harrisburg, and signatures of optometrist and prothonotary. Arr. num. by registration no. Indexed alph. by first letter of surname of optometrist. 200 pp. 16 x 12 x 2.

**155. VETERINARY MEDICAL REGISTER, 1889-1912.**

2 vols. (dated). Discontinued as a county record; similar subsequent records kept by State Board of Medical Education and Licensure. Register of veterinary surgeons, showing date, registration no., name and address of veterinary, date and place of birth, names of institutions attended, degrees awarded, dates and places of continuous practice, and signatures of veterinary and prothonotary. Arr. chron. by date of registration. Indexed alph. by first letter of surname of veterinary. Hdw. on ptd. fm. Aver. 350 pp. 16 x 11 x 2. 1 vol., 1889-97, attic strm. closet No. 34; 1 vol., 1898-1912, off. vlt.

**156. APPLICATION FOR REGISTRATION OF AN AUTOMOBILE, 1903-5.**

1 f.b. Discontinued as a county record; similar subsequent records kept by State Bureau of Motor Vehicles. Applications for registration

of motor vehicles, showing date, application no., name and address of owner, registration no., name of manufacturer, type of vehicle, motor no., signatures of owner and prothonotary, and date filed. Arr. num. by application no. No index. Hdw. on ptd. fm. 10 x 5 x 14.

**157. AUTOMOBILE REGISTER, 1903-5.**

1 vol. Discontinued as a county record; similar subsequent records kept by State Bureau of Motor Vehicles. Record of registered motor vehicles, showing registration no., date, name and address of owner, type of vehicle, manufacturer's name, and serial no. Arr. chron. by date of registry and thereunder num. by registration no. Indexed alph. by first letter of surname of owner. Hdw. on ptd. fm. 300 pp. 14 x 9 x 1½.

**158. SOLDIERS PEDDLERS' LICENSE, 1909—.**

1 f.b. Applications of veterans for issuance of peddlers' licenses, showing date, name and address of veteran, service record, physician's affidavit of disability, and official seal and signatures. Arr. chron. by date filed. No index. Typed on ptd. fm. 10 x 5 x 14.

**159. EXPLOSIVE LICENSE, 1917-19.**

2 f.b. Applications for vendor's, purchaser's, or foreman's explosive licenses during war time, showing date; class of license; name, address, occupation, and nationality of applicant; official seal; and signature of applicant. Arr. chron. by date of application. No index. Hdw. on ptd. fm. 10 x 5 x 14.

**160. OSTEOPATHIC REGISTER, 1909-30.**

1 vol. Discontinued as a county record; similar subsequent records kept by State Board of Medical Education and Licensure. Record of licensed osteopathic physicians, showing date, registration no., name and address of osteopath, names of institutions attended, date when degree was awarded, date of granting license, license no., vol. and p. reference to recording in State Osteopathic Record at Harrisburg, and signatures of prothonotary and osteopath. Arr. num. by registration no. Indexed alph. by first letter of surname of osteopath. Hdw. on ptd. fm. 200 pp. 18 x 12 x 1½.

### **Justices of the Peace**

**161. ALDERMAN'S AND JUSTICE'S OF THE PEACE DOCKET, 1839-1926.**

21 vols. Dockets of civil and criminal cases deposited with prothonotary by aldermen and justices of the peace at expiration of their terms, show-

ing date of hearing; names of parties, witnesses, and magistrate; nature of case; cost; disposition; and official seal and signatures. Arr. chron. by date of hearing. Indexed alph. by first letter of surnames of parties. Hdw. Aver. 500 pp. 14 x 9 x 2. Attic strm. closet No. 35.

### Accounts

#### **162. PROTHONOTARY FEE BOOK, 1916—.**

13 vols. (dated). Daily record of fees received by the prothonotary, showing date, type of service rendered, amount, court term and case no., names of parties, totals, and amounts due Commonwealth and county. Arr. chron. by date received. No index. Hdw. on ptd. fm. Aver. 600 pp. 14½ x 11 x 2½. 1 vol., 1916, attic strm. closet No. 36; 12 vols., 1916—, off. vlt.

#### **163. BILL OF COSTS, 1812-62.**

1 f.b. (unlabeled), 3 bdl. (dated). 1861— in (Common Pleas Files), entry 85. Itemized bills of costs in civil proceedings, showing court term and case no., names of parties and witnesses, itemized list of costs, total, official seal and signatures, and date filed. Arr. chron. by court term. No index. Hdw. F.b. 10 x 5 x 14; bdl. 8 x 7 x 6. 1 f.b., 1812-62, off. vlt.; 3 bdl., 1812-60, attic strm. closet No. 34.

#### **164. COST DOCKET, 1831-57, 1861-68, 1897—.**

21 vols. (3 vols. dated; 18 vols. unlabeled). Record of costs in proceedings in common pleas court, showing court term and case no.; names of parties; date, amount, and nature of fees and costs; dates and amount of interest accrued; date paid; and acknowledgment. Arr. chron. by court term. No index, 1831-57; indexed alph. by first letter of surname of payer, 1861-68, 1897—. Hdw. Aver. 450 pp. 14 x 9½ x 2.

### Fiduciary Accounts

(*See also* entries 246, 247)

#### **165. ACCOUNTS, 1889-1910.**

1 f.b. 1812-88, 1911— in (Common Pleas Files), entry 85. Accounts filed by trustees, guardians, assignees, and committees appointed in estates of lunatics and incompetents, showing court term and case no.; name of estate and fiduciary; amounts of assets, liabilities, receipts, disbursements, totals, and balance on hand; official seal and signatures; and dates filed and confirmed. Arr. chron. by date filed. No index. Hdw. and typed. 10 x 5 x 14.

**166. COMMON PLEAS ACCOUNT DOCKET, 1849—.**

9 vols. (1-9). Recorded copies of accounts filed by assignees, trustees, and receivers in insolvency and lunacy, showing court term and case no.; names of fiduciary and estate; amounts of assets, liabilities, receipts, disbursements, and balance; period covered by account; and dates filed, confirmed, and recorded. Arr. chron. by court term. Indexed alph. by name of estate. Hdw. and typed. Aver. 600 pp. 18 x 12½ x 3.

**167. TRUST RECEIPTS, 1941—.**

1 f.b. Statement of trust receipts, showing date filed, serial no., and names and addresses of dealer (trustee) and entrustor. Arr. chron. by date filed. For index, *see* entry 168. Hdw. on ptd. fm. 10 x 5 x 14.

**168. TRUST RECEIPT INDEX, 1941—.**

1 loose-leaf vol. Record and index to Trust Receipts, entry 167, showing names of dealer (trustee) and entrustor, serial no., and date filed. Arr. alph. by first letter of surname of dealer. Hdw. on ptd. fm. 300 pp. 14 x 10 x 3.

## Financial Reports

**169. FINANCIAL STATEMENTS, 1914—.**

2 f.b. Title varies: Bonding Company, 1914-30, 1 f.b. Financial statements from bonding companies approved to issue surety, showing name and location of institution; dates of statement, and filing; itemized account of assets, liabilities, and capital; names of officers; and official signatures. Arr. chron. by date filed. No index. Ptd. 10 x 5 x 14.

**170. SCHOOL AUDITORS REPORTS, 1931—.**

1 f.b. Annual auditors' reports of financial accounts of school districts, showing date; name of school district; per capita and property tax rate; total receipts; amounts of expenditures for instruction, operation, and maintenance; total; capital outlay summary; sinking fund report; amounts of assets and liabilities date filed; and official seal and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

**171. COUNTY AUDITORS REPORTS, 1872-74, 1876-83, 1887-1914.**

4 bdl. (dated). Annual report of county offices, showing name of office, amount and source of receipts, amount and purpose of disbursements, totals and balances on hand, schedule of county taxes outstanding, condition of county finances, and signatures and attestation of



auditors. Arr. chron. by date of report. No index. Hdw. 12 x 10 x 10.  
Attic strm. closet Nos. 21, 35.

### **Miscellaneous**

#### **172. RECEIPTS FOR ACTS OF ASSEMBLY, 1812-1913.**

2 vols. (dated). Discontinued. Title varies: Receipts for Pamphlet Laws, 1812-87, 1 vol. Receipts for copies of pamphlet laws distributed by prothonotary to public officials, showing date, name and address of official, title and number of copies received, and signature of recipient. Arr. chron. by date of receipt. No index. Hdw. on ptd. fm. Aver. 250 pp.  $9\frac{1}{2}$  x  $9\frac{1}{2}$  x  $1\frac{1}{2}$ . Attic strm. closet No. 36.

#### **173. DEPUTY SHERIFFS, 1937—.**

1 f.b. Applications for appointment of special deputy sheriff, showing date of application; name, address, occupation, and age of applicant; affidavit of citizenship; photograph of applicant; dates accepted and filed; and signature of applicant. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 10 x 5 x 14.

## **IV. CLERK OF THE COURT OF QUARTER SESSIONS AND OYER AND TERMINER**

### **Evolution and Structural Organization**

When Lehigh County came into existence, the clerk of the court of quarter sessions and oyer and terminer, usually referred to simply as the clerk of courts, was an appointee of the Governor. Since 1838 he has been an elective officer, with three year term of office until 1909 when his tenure was increased to four years. At first the prothonotary of Lehigh County acted as clerk of all the courts, but after 1824 the prothonotary acted as clerk of the court of common pleas only, and the office of clerk of quarter sessions and oyer and terminer and orphans' court was held by another man. Since 1863, the clerk of courts no longer acted as clerk of orphans' court.

Like all county officers the clerk of courts must be an American citizen and a resident of the county for at least a year before assuming office. During his continuance in office he is ineligible to hold the offices of county treasurer or justice of the peace, and he may not practice as an attorney in any of the courts of the county. His ineligibility for the office of county controller extends for two years after his term as clerk has expired. While he is clerk of courts, he may not hold any office under the government of the United States.

Vacancies in this office are filled by the Governor, the appointee to hold office until a successor is chosen in the first municipal election which takes place two or more months after the occurrence of the vacancy. Before assuming office, the clerk must take an oath and post a bond. His salary is fixed by law at \$4,000 a year.

The clerk of courts appoints deputies who are authorized to perform any of the duties of the clerk. One of the deputies is designated as first deputy. He may take over the duties of the clerk when the latter is absent. When the office of the clerk of courts is vacant, the first deputy acts as clerk until a successor is qualified. In such cases, he must post a bond which is satisfactory to the court of common pleas. The clerk of courts also appoints special clerks and deputies, whenever the pressure of business makes it advisable. The compensation of all deputies is fixed by the salary board. In Lehigh County the clerk of courts has one deputy, a clerk, a stenographer, and a law clerk.

### **Functions and Records**

The clerk of courts has custody of the records and seal of the court of quarter sessions and oyer and terminer, and performs all the duties of his office under direction of the court. He signs and affixes the seal of the court to all writs and processes of the court and to all exemplifications of them. When the judges cannot attend court it is adjourned from day to day by the clerk.

Except in cases where the defendant is charged with treason or homicide, the clerk is authorized to take bail and approve bail bonds, when the judges are unable to attend to these duties. The clerk of courts accepts bonds filed in appeals, and prepares and forwards to the appellate court a record of all appeals taken. He has the power to administer oaths in conducting the business of his office. In connection with the civil jurisdiction of the court, the clerk may take acknowledgments of deeds.

The clerk of courts keeps all papers filed in the criminal and civil proceedings of the courts of quarter sessions and oyer and terminer. There is no law that he keep a Minute Book, but this record is mentioned indirectly in several acts. He keeps trial and argument lists.

At various times the clerk has filed oaths and bonds of certain officials. The oaths which may be found among his papers include those of the county commissioners and auditors until 1874, the commissioners' clerk from 1891 until 1929, and forest fire wardens from 1903 until 1923. He files constables' bonds and the oaths and bonds of borough and township tax collectors.

In the files known as Indictment Papers are found many of the papers filed in the court of quarter sessions and oyer and terminer. Since 1860, another file, known as Miscellaneous Papers, has been set up to contain some of the papers filed in court proceedings held before the court of quarter sessions and over and terminer. Any papers required to be filed in this office for which no separate file has been set up are placed in the proper general file.

A number of the papers filed with this officer relate to the criminal business of the court. These include constable's returns of law violations, reports of coroner's inquests, notes of testimony, reports of the probation and parole officers, and applications for release on parole. The clerk keeps a record of all prisoners convicted in the county who were transferred to other institutions, and files the reports of violations which were sent to him by the fire wardens.

A special act passed when the new Lehigh County Prison was under construction provided that when the judges determined that the prison

was ready for occupancy, they should make a decree to that effect. An entry of that order was to be made in the records of the court. Another provision of the same act provided that schedules of property of persons released from prison without paying fines or costs of, or making restitution should be filed with the clerk of courts.<sup>1</sup>

When a person charged with murder is destitute, he files an affidavit stating that fact with the clerk of courts. The court thereupon appoints an attorney to defend him. The affidavits and the attorney's expense accounts are filed in this office.

After the execution of a criminal takes place, the warden of the Western Penitentiary certifies that fact to the clerk of courts of the county in which the criminal was convicted. The clerk thereupon files the certificate.

During the period when the eighteenth amendment was in effect, the court was empowered to condemn and sell automobiles seized for liquor law violations. Petitions and court orders to do so are found among the clerk's papers. Similar provisions are in effect concerning narcotics law violations.

The clerk of courts has certain additional duties in connection with the criminal business of the courts. Before February first of each year he sends to the State Department of Welfare a full statement of the criminal business of the court for the preceding calendar year, giving specific detailed information required by law. He must send to the Department of Revenue a certified record of all convictions and all fines imposed under the Motor Vehicle Code. When a case tried in the county results in a death sentence, the clerk sends to the Governor a complete transcript of the record of the trial.

The clerk of courts is obliged to make various reports to the officers in charge of certain penal institutions. Once a month he forwards to the wardens of the State penitentiaries a list of all convicts committed on the indeterminate plan. He is required to furnish a record of the trial to the officers in charge of a criminal sentenced to the Pennsylvania Industrial School. He must notify the superintendent of the State Industrial Home for Women at Muncy of persons sentenced to the Home, and furnish a record of cases to the agents sent for the prisoners.

In various dockets, the clerk of courts keeps records of the cases which have come before the court of quarter sessions and oyer and terminer. At first only one docket, the Quarter Sessions Docket, was used as a book of record for all cases. But in various recent years new dockets have been set up to contain records of certain types of cases

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<sup>1</sup> 1869 P. L. 716.



only, among these are the Oyer and Terminer Docket and the Constables' Docket.

Jurisdiction over desertion and nonsupport has always belonged to the court of quarter sessions, and papers regarding these matters are filed with the clerk. A separate nonsupport docket has been kept since 1921.

At first, criminal cases involving children were treated just as other cases, and the papers relating to such cases are found in the indictment papers, while the record of these matters was placed in the regular dockets. At present, however, a separate docket is prepared for juvenile cases and the papers are filed separately. Commitment of crippled children to institutions is made by the juvenile court after application to the court has been made by the parent or guardian of the child concerned or by another interested person.

Although the court of quarter sessions is primarily a criminal court, it also holds certain civil jurisdiction. All papers filed in such proceedings must be preserved by the clerk, either in separate files or in the general files. Many of these papers are found in the files entitled Miscellaneous Papers. These matters were first recorded in the Quarter Sessions Docket, but since 1922 a separate Miscellaneous Docket has been set up.

Control over roads and bridges is one of the civil matters with which this court is concerned. It files all papers received in such cases, and keeps a record of them in a docket. In Lehigh County a separate road and bridge docket has always been kept. In 1903 the system was further broken down with the establishment of a separate Bridge Docket. The road and bridge papers include petitions to open, vacate, or improve roads and bridges, and the resultant reports of viewers, accompanied by plots and drafts of the proposed work and the final decision of the court. Petitions requesting the county to purchase toll bridges and operate them as free county bridges are also filed with this officer. The clerk certifies to the Department of Highways every report of road viewers and the action of the court upon it. Special acts of 1821 and 1839 required that drafts of certain State roads be filed in this office.<sup>2</sup>

The court of quarter sessions has certain supervision over the subordinate municipalities of the county and a number of the records in this office relate to these matters. Some of these have been placed in the general files and others in files of their own. These records include petitions for the formation of boroughs, petition to annul borough charters and to change the names of boroughs, petitions to change

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<sup>2</sup> 1821 P. L. 257, sec. 1; 1839 P. L. 118, sec. 3.

borough boundaries, to divide existing boroughs, to erect new wards, to change the number of councilmen from each ward of a given borough, and to settle boundary disputes between a borough and an adjoining municipality. An application of a former borough to withdraw from a third-class city is also filed in this office. Whenever a borough by ordinance adds adjoining lots to its territory, a plan of such extensions is filed with the clerk of the court of quarter sessions. Other papers concerning boroughs include complaints that a borough council has failed to organize itself, and returns of elections held to determine whether a borough may use some of its funds in other ways than were originally permitted. Also filed here are petitions for the erection of a new first-class or second-class township, petitions for the division of a township, or a change in township boundaries, and complaints that a township officer is refusing to perform his duties. In addition, there are filed in this office applications by a first-class township asking to return to second-class status.

Records concerning third-class cities are similar to borough and township records, but they are not so numerous, for in some cases the city council receives petitions similar to those which from minor civil divisions are presented to the court. Among the petitions sent to the court of quarter sessions are requests to change the corporate title of a city, to create or divide wards, to annex adjoining lots to a city, and to establish disputed boundary lines. If two cities wish to unite, they file applications with the clerk of courts. Duplicate drafts and plans of topographical surveys in third-class cities, and petitions of boroughs and townships for annexation to a city are likewise among the records of this office.

In almost all of the above-mentioned instances, after a petition is filed for a certain change in a borough, township, or city, an election upon that matter is held in the municipality. Thereupon, certified copies of the returns are filed with the clerk. Other miscellaneous papers found here are returns of elections to increase municipal indebtedness, and reports of commissions appointed to alter the county boundary lines. He transmits to the Secretary of Internal Affairs certified copies of the latter reports. He certifies to the Department of Highways and the Secretary of Internal Affairs the establishment of a new township or borough and certifies to the Superintendent of Public Instruction the creation of a new school district.

The court of quarter sessions is empowered to fill vacancies in various borough and township offices. Petitions to fill these offices are filed with the clerk.

The court has certain control over the accounts of municipalities, and

auditors' reports of these subordinate political divisions are placed on file with the clerk. Township and borough auditors' reports are still filed with the clerk, and reports of poor district and school district auditors which were formerly filed with this officer are among the papers of the clerk. Since 1937 the clerk keeps on file detailed reports which are prepared by every tax collector in the county.

The clerk issues writs commanding the impaneling and summoning of jurors. After jurors have served, he certifies to the county commissioners the number of days served by each one. In trials without a jury, the written decisions of the court are filed with the clerk, who notifies all parties. When an array of jurors is quashed, the clerk certifies its record to the court of common pleas, which enters it on its own record. He keeps records of all jurors drawn, and whether they served, defaulted, or were excused.

Formerly the court of quarter sessions had jurisdiction over certain phases of elections, and in the office of the clerk were filed duplicate election returns, all papers concerning disputed elections, candidates' expense accounts, and petitions for audits of such accounts, petitions to form new election districts, and petitions for the appointment of local election officers for new districts, or to fill vacancies in existing districts. Since the creation of the county board of elections in 1937, these matters are under its jurisdiction and similar current records are kept by the board.

The court of quarter sessions has certain powers in relation to licensing. Prior to the adoption of the eighteenth amendment, liquor licenses were issued by this court, and the clerk kept all papers filed in connection with the issuance of these licenses. They include petitions, applications, character references, duplicates of licenses, bonds, transfers, or remonstrances.

The court of quarter sessions is empowered to grant various peddlers licenses, and at the close of each court term, the clerk transmits to the Auditor General a list of persons to whom peddlers' licenses have been granted. The clerk grants licenses to war veterans free of charge upon presentation of a certificate given by the prothonotary. All applications for detective licenses must be filed with the clerk of courts.

Among the papers of the clerk of courts are certain records which relate to former licensing functions of the court. From 1869 until 1911 anyone who opened a transient medical office within the county was obliged to secure a license from the clerk of courts. Before a license was granted, satisfactory evidence of the applicant's fitness to practice had to be furnished to the clerk.

Stallion licenses were formerly granted by the court of quarter ses-



sions after application had been filed with the clerk. From 1919 to 1923 persons selling or buying second-hand automobiles in the townships had to file with the clerk an affidavit giving the names, addresses, and signatures of the vendor and the vendee, the vendee's occupation, the make of car, the engine and county registration numbers, and the date of sale.

The clerk of courts must keep accounts of all moneys which pass through his office. It is the duty of this officer to make monthly returns, and to pay into the State Treasury through the Department of Revenue all money received for the use of the Commonwealth. All fines and recognizances forfeited for the use of the State are sent by the clerk to the Department of Revenue for suit.

The special act of 1844 setting up the Lehigh County poor district required that an annual report be filed with the clerk. It showed the number of persons maintained by the poor directors in the poorhouse or supported by them elsewhere and the number of children bound out as apprentices, with the names of their masters or mistresses and the trade which they were learning.<sup>3</sup>

Unless otherwise stated, records of the clerk of courts are kept in his office vault.

## Minutes

### **174. MINUTE BOOK, 1832-1922.**

34 vols. (dated). 1812-31, 1923— in Quarter Sessions Docket, entry 180. Minutes of proceedings in quarter sessions court, showing court term and case no.; date and time court convened and adjourned; names of parties, attorneys, judge, and jurors; character of cases; and disposition. Arr. chron. by court term. No index. Hdw. Aver. 400 pp. 16 x 11½ x 2. Attic strm. closet No. 52.

### **175. OYER AND TERMINER MINUTE BOOKS, 1873-1921.**

12 vols. (dated). 1922— in Oyer and Terminer Docket, entry 181. Minutes of proceedings in oyer and terminer court, showing court term and case no.; date and time court convened; names of defendants, prosecutor, attorneys, witnesses, judge, and jurors; charge; verdict; and disposition. Arr. chron. by court term. Indexed alph. by first letter of surname of defendant. Hdw. Aver. 325 pp. 15 x 8 x 2. Attic strm. closet No. 49.

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<sup>3</sup> 1844 P. L. 256, sec. 5.



### **Trial and Argument Lists**

#### **176. TRIAL LISTS, 1914—.**

190 vols. (dated). List of cases scheduled for trial, showing court term and case no.; names of defendant, prosecutor, and attorneys; charge; and date of trial. Arr. chron. by court term. No index. Ptd. Aver. 50 pp.  $8\frac{1}{2} \times 5 \times \frac{1}{2}$ . 158 vols., 1914-30, 1935-37, attic strm. closets Nos. 32, 52; 8 vols., 1931-34, comms. bsmt. vlt.; 18 vols., 1937—, court stenographer's off.

#### **177. ARGUMENT LISTS, 1853-1922.**

6 vols. (dated). 1812-52, 1923— in Quarter Sessions Docket, entry 180. Record of cases listed for argument, showing court term and case no., names of parties and attorneys, cause for argument, and disposition. Arr. chron. by court term. No index, 1853-98; indexed alph. by first letter of surname of defendant, 1898-1922. Hdw. Aver. 250 pp.  $14 \times 9 \times 2$ . Attic strm. closet No. 47.

### **Papers and Dockets**

#### **178. INDICTMENT PAPERS, 1812—.**

225 bdl. (dated), 298 f.b. (labeled by court term and contained case nos.). Papers filed in criminal proceedings in quarter sessions and oyer and terminer courts, showing court term and case no.; names of parties, attorneys, witnesses, and judge; date and character of instrument; disposition; official seal and signatures; and date filed. Also contains: Miscellaneous Papers, 1812-59, entry 179; Venires, 1812-85, entry 221; Juvenile Cases, 1812-1908, entry 195; Non-Support Cases, 1812-1923, entry 198; Report to Grand Jury, 1812-1924, entry 183; and Petitions for Bench Warrants and Attachments, 1812-1929, entry 197. Arr. chron. by court term. No index. Hdw. and typed on ptd. fm. Bdl.  $9 \times 4 \times 5$ ; f.b.  $10 \times 5 \times 14$ . 225 bdl., 1812-99, attic strm. closets Nos. 50-52; 109 f.b., 1900-1918, attic strm. vlt.; 183 f.b., 1919—, off.

#### **179. MISCELLANEOUS PAPERS, 1860—.**

26 f.b. (dated). 1812-59 in Indictment Papers, entry 178. Papers filed in civil proceedings in quarter sessions court, showing court term and case no.; names of parties, attorneys, witnesses, and judge; date and character of instrument; disposition; official seal and signatures; and date filed. Also contains: Tax Collectors' Bonds, 1860-1913, entry 191; Petitions for Appointments, 1860-1921, entry 206; Court Appointments and Court Orders, 1860-1925, entry 186; Soldiers' Ped-

dlar's Licenses, 1870-1918, entry 213; Constables Oaths and Bonds, 1876-1917, entry 190; Liquor License Bonds, Transfers, Petitions, Receipts, 1874-97, entry 210; and (Peddlers and Hawkers Licenses), 1892—, entry 212. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

**180. QUARTER SESSIONS DOCKET, 1812—.**

37 vols. (A-Z, 1-11). Title varies; Docket, 1812-1921, 26 vols. Record of proceedings in quarter sessions court, showing court term and case no.; names of parties, attorneys, jurors, and judge; charge; nature of proceedings; petitions; decrees; court orders; costs; and disposition. Also contains: Minute Book, 1812-31, 1923—, entry 174; Argument Lists, 1812-52, 1923—, entry 177; Oyer and Terminer Docket, 1812-80, entry 181; Quarter Sessions Miscellaneous Docket, 1812-1921, entry 182; Juvenile Court Docket, 1812-96, entry 196; and Quarter Sessions Non-Support Docket, 1812-1920, entry 199. Arr. chron. by court term. Indexed alph. by first letter of surname of defendant. Hdw. and typed. Aver. 600 pp. 16 x 12 x 3. 5 vols., 1812-54, 1870-77, attic strm. closet No. 47; 32 vols., 1855-70, 1877—, off. vlt.

**181. OYER AND TERMINER DOCKET, 1881—.**

11 vols. (A-K). 1812-80 in Quarter Sessions Docket, entry 180. Record of criminal cases heard in court of oyer and terminer, showing court term and case no.; names of defendant, prosecutor, witnesses, judge, and jurors; charge; abstract of papers filed; verdict; and costs. Also contains: Oyer and Terminer Minute Books, 1922—, entry 175. Arr. chron. by court term. Indexed alph. by first letter of surname of defendant. Hdw. and typed. Aver. 500 pp. 16 x 12 x 2½. 6 vols., 1881-1911, attic strm. closet No. 49; 5 vols., 1911—, off. vlt.

**182. QUARTER SESSIONS MISCELLANEOUS DOCKET, 1922—.**

2 vols. (A, B). 1812-1921 in Quarter Sessions Docket, entry 180. Record of miscellaneous papers filed in quarter sessions court, showing court term and case no., names of parties, date and character of instrument, and disposition. Arr. chron. by date of instrument. Indexed alph. by first letter of surname of defendant. Hdw. and typed. Aver. 700 pp. 16 x 11 x 3.

**183. REPORT OF GRAND JURY, 1925—.**

2 f.b. (dated). 1812-1924 in Indictment Papers, entry 178. Reports of inspection of public institutions, showing court term, names and locations of institutions visited, findings, recommendations, signatures of

jurors, and date presented to court. Arr. chron. by court term. No index. Typed. 10 x 5 x 14.

**184. (INFORMATION DOCKET, TRANSCRIPTS OF JUSTICES OF THE PEACE), 1914—.**

2 vols. Record of transcripts of criminal proceedings before justices of the peace, showing court term and case no.; names of defendant, witnesses, bondsman, prosecutor, and justice of the peace; date of hearing; charge; amount of bail bond; and date filed. Arr. chron. by court term. Indexed alph. by first letter of surname of defendant. Hdw. on ptd. fm. Aver. 210 pp. 15 x 12 x 1. 1 vol., 1914-27, attic strm. closet No. 45. 1 vol., 1927—, off.

**185. DISCHARGED CASES, 1878-92, 1906-13, 1918—.**

77 bdl. (unlabeled), 11 f.b. (dated). Papers filed in cases heard by minor judiciary and dismissed, showing court term and case no.; names of defendant, witnesses, bondsmen, and prosecutor; date of hearing; charge; amount of bail bond; costs; official seal and signature of magistrate; and date filed. Arr. chron. by court term. No index. Hdw. on ptd. fm. Bld. 9 x 4 x 4½; f.b. 10 x 5 x 14. 77 bdl., 1878-92, 1906-13, 1918-35, attic strm. closet No. 49; 11 f.b., 1936—, off. vlt.

**186. COURT APPOINTMENTS AND COURT ORDERS, 1926—.**

1 f.b. 1860-1925 in Miscellaneous Papers, entry 179. Court orders appointing various county officers, and court orders for change of salary, showing court term and case no., name and address of appointee, title and tenure of office, amount of salary, official seal and signatures, and date filed. Arr. chron. by court term. No index. Typed. 10 x 5 x 14.

**187. COST DOCKET FOR DISCHARGED CASES, 1877-80, 1913-21, 1929—.**

8 vols. (1-8). Untitled, 1913-21, 2 vols. Record of costs of cases discharged by minor judiciary, showing date of hearing; names of defendant, prosecutor, witnesses, and magistrate; charge; and itemized cost. Arr. chron. by date of hearing. Indexed alph. by first letter of surname of defendant. Hdw. and typed. Aver. 500 pp. 16 x 12 x 3. 3 vols., 1877-80, 1913-21, attic strm. closets Nos. 21, 48; 3 vols., 1929—, off. vlt.

**188. TRANSCRIPT OF TESTIMONY AND CHARGE OF COURT, 1916—.**

62 vols. (dated). Transcribed notes of testimony of cases heard in quarter sessions and oyer and terminer courts, showing court term and case no.; names of defendant, witnesses, attorneys, and presiding judge;

charge; verbatim account of testimony and judge's charge to jury; and disposition. Arr. chron. by court term. Indexed alph. by first letter of surname of defendant. Typed. Aver. 150 pp. 14 x 10 x 2. 17 vols., 1916-27, comms. bsmt. vlt.; 33 vols., 1928-31, 1933—, off. vlt.; 2 vols., 1932, attic strm. vlt.

#### **189. SHORTHAND NOTE BOOKS, 1913—.**

1,564 vols. (labeled by court term). Court stenographers' notes of testimony taken in quarter sessions court, showing court term and case no.; names of parties, attorneys, witnesses, and presiding judge; nature of testimony; and disposition of case. Arr. chron. by court term. No index. Hdw. Aver. 75 pp. 9 x 5 x 1/2. 1,524 vols., 1913-36, attic strm. closets Nos. 32, 38; 40 vols., 1937—, court stenographer's off.

### **Oaths and Bonds**

(*See also* entries 62, 98-101, 242-245, 333)

#### **190. CONSTABLES OATHS AND BONDS, 1918—.**

3 bdl. and 1 vol. (dated). 1876-1817 in Miscellaneous Papers, entry 179. Constables' bonds and oaths of office, showing court term and case no., dates of oath and bond, names and addresses of principal and surety, amount and conditions of obligation of bond, names of witnesses to oath, affidavit, official seal and signatures, and dates filed and approved. Arr. chron. by court term. No index. Hdw. on ptd. fm. 9 x 4 x 4. 2 bdl., 1918-35, attic strm. closet No. 48; 1 bdl. 1936—, off. vlt.

#### **191. TAX COLLECTORS' BONDS, 1914—.**

3 bdl. 1 vol. (dated). 1860-1913 in Miscellaneous Papers, entry 179. Bonds posted by tax collectors, showing names of tax collectors, civil division, and sureties; date, amount, and condition of obligation of bond; dates approved and filed; and official seal and signatures. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 9 x 4 x 4 1/2. 2 bdl., 1914-33, attic strm. closet No. 48; 1 bdl., 1934—, off. vlt.

### **Constables**

#### **192. CONSTABLES' RETURNS, 1895—.**

104 bdl. and 3 f.b. (dated). Returns of constables covering law violations in their districts, showing date of report; name of civil division; court term; names and addresses of constable, offenders, and witnesses; type of violations; report on condition of roads and bridges; signature



of constable; and date filed. Arr. chron. by date filed. No index. Hdw. on ptd. fm. Bdl. 9 x 4 x 2; f.b. 10 x 5 x 14. 104 bdl., 1895-1935, attic strm. closet No. 48; 3 f.b., 1936—, off. vlt.

**193. CONSTABLE'S DOCKET, 1922—.**

1 vol. Record of returns of law violations filed by constables, showing court term, name and address of constable, number and type of offenses, names of offenders and witnesses, amount of expenses, and date filed. Arr. chron. by court term. No. index. Hdw. and typed. 500 pp. 14 x 9 x 2.

### **Tax Collectors**

**194. REPORT OF TAX COLLECTORS, 1937—.**

2 f.d. (dated). Annual report of tax collectors to clerk of quarter sessions, showing date, name of civil division, number of taxables, amount of tax duplicates, type and amount of tax collected, amount and year of delinquency, and affidavit and signature of collector. Arr. alph. by name of civil division. No index. Hdw. on ptd. fm. 10 x 5 x 14.

### **Juveniles**

**195. JUVENILE CASES, 1909—.**

41 bdl. and 11 f.b. (dated). 1812-1908 in Indictment Papers, entry 178. Papers filed in juvenile cases, showing court term and case no., names of delinquent juvenile and parties involved, date and character of paper, disposition, official seal and signatures, and date filed. Arr. chron. by court term. No index. Hdw. and typed on ptd. fm. Bdl. 9 x 4 x 2; f.b. 10 x 5 x 14. 41 bdl., 1909-27, attic strm. closet No. 48; 11 f.b., 1928—. off. vlt.

**196. JUVENILE COURT DOCKET, 1897—.**

7 vols. (1 vol. dated; 6 vols. 1, 2, 2-5). 1812-96 in Quarter Sessions Docket, entry 180. Record of proceedings in juvenile delinquency cases, showing court term and case no.; names of juvenile delinquent, witnesses, prosecutor, parents or guardian, and presiding judge; abstract of all papers filed; charge; date of hearing; costs; and disposition. Arr. chron. by court term. Indexed alph. by first letter of surname of juvenile. Hdw. and typed on ptd. fm. Aver. 300 pp. 16 x 10 x 2. 3 vols., 1897-1923, attic strm. closet No. 48; 4 vols., 1922—, off. vlt.

**Non-Support***(See also entry 300)***197. PETITIONS FOR BENCH WARRANTS AND ATTACHMENTS, 1930—.**

1 f.b. 1812-1929 in Indictment Papers, entry 178. Petitions filed for writs of attachment and bench warrants issued in nonsupport cases, showing court term and case no.; name and address of defendant; amounts of support order, arrearage, and payments; court orders; official seal and signatures; and date filed. Arr. chron. by date filed. No index. Typed on ptd. fm. 10 x 5 x 14.

**198. NONSUPPORT CASES, 1924—.**

38 f.b. (labeled by court term). 1812-1923 in Indictment Papers, entry 178. Papers filed in nonsupport cases, showing court term and case no., names of parties and attorneys, type and character of paper, disposition, official seal and signatures, and date filed. Arr. chron. by court term. No index. Typed on ptd. fm. 10 x 5 x 14. Off.

**199. QUARTER SESSIONS NON-SUPPORT DOCKET, 1921—.**

4 vols. (1-4). 1812-1920 in Quarter Sessions Docket, entry 180. Record of proceedings in nonsupport cases, showing court term and case no.; names of defendant, prosecutor, and judge; charge; costs; and disposition. Arr. chron. by court term. Indexed alph. by first letter of surname of defendant. Typed. Aver. 500 pp. 16 x 12 x 2½.

**Roads and Bridges****200. ROADS AND BRIDGES, 1812—.**

69 f.b. (labeled by name of civil division). Papers filed in road and bridge proceedings, including petitions, appointments of viewers, exceptions filed, grants, and plans, showing court term and case no., location and description of road and bridge, date and character of papers filed, orders of court, official seals and signatures, and date filed. Also contains: Increase of Tax Rates of Townships, 1812-1925, 1931—, entry 207; Political Subdivisions, 1812-28, 1887—, entry 204; Arr. chron. by date filed. No index. Hdw. and typed. 10 x 5 x 14.

**201. ROAD DOCKET, 1812—.**

8 vols. (1-8). Record of road proceedings, showing court term and case no.; names of petitioners, viewers, and adjacent property owners; location, description, and draft of road; findings of viewers; court

orders; and costs. Also contains: Bridge Docket, 1812-1902, entry 202. Arr. chron. by court term. For index, *see* entry 203. Hdw. and typed. Aver. 500 pp. 15 x 11 x 2.

**202. BRIDGE DOCKET, 1903—.**

1 vol. (1). 1812-1902 in Road Docket, entry 201. Record of bridge proceedings, showing court term and case no.; names of civil division and viewers; name, location, and description of bridge; report of viewers; court orders; name of judge; dates filed and approved; and sketch of bridge. Arr. chron. by court term. For index, *see* entry 203. Hdw. and typed. 550 pp. 17 x 11 x 2½.

**203. INDEX TO ROADS, BRIDGES, 1812—.**

1 vol. Index to Road Docket, entry 201; and Bridge Docket, 1903—, entry 202, showing name of civil division, description of project, and vol. and p. reference. Arr. alph. by name of civil division. Typed on ptd. fm. 250 pp. 18 x 14 x 2.

### Civil Divisions

**204. POLITICAL SUBDIVISIONS, 1829-86.**

1 bdl. (dated). 1812-28, 1887— in Roads and Bridges, entry 200. Petitions filed for the incorporation of civil divisions, showing court term and case no., name of proposed and former civil division, location and description of boundaries, population, reason for incorporation, signatures of petitioners, assessed valuation, tax rate, powers granted, decree of court, date filed, and official seal and signatures. Arr. chron. by court term. No index. Hdw. 10 x 4½ x 6. Attic strn. closet No. 49.

**205. INCORPORATION OF COOPERSBURG, 1879.**

1 bdl. (dated). Petitions filed for incorporation of borough of Coopersburg, showing information as in entry 204. No obvious arr. No index. Hdw. 8½ x 4½ x 3. Attic strn. closet No. 52.

**206. PETITIONS FOR APPOINTMENTS, 1922—.**

2 f.b. (1, 2), 1 bdl. (dated). 1860-1921 in Miscellaneous Papers, entry 179. Petitions filed to fill vacancies of offices of civil divisions, showing court term and case no.; names of civil division, petitioner, applicant, and former incumbent; title of office; cause for vacancy; official seal and signatures; and date filed. Also contains: Election Officers, 1912-31, entry 131. Arr. chron. by date filed. No index. Hdw. on ptd. fm.

F.b. 10 x 5 x 14; bdl. 9 x 3½ x 6. 2 f.b., 1922-28, 1934—, off. vlt.; 1 bdl., 1929-33, attic strm. closet No. 53.

#### **207. INCREASE OF TAX RATES OF TOWNSHIPS, 1926-30.**

1 f.b. (1). 1912-1925, 1931— in Roads and Bridges, entry 200. Petitions filed by township supervisors for permission to levy a special or additional tax, showing court term and case no., name of civil division, reason, assessed valuation of property, present and proposed tax rate, amount of debt, signature of petitioner, and dates filed and approved by court. Arr. chron. by date filed. No index. Typed. 10 x 5 x 14.

### **Elections**

#### **208. (CANDIDATES ELECTION EXPENSE ACCOUNTS), 1906-36.**

24 bdl. and 4 f.b. (dated). 1937— in Election Expense Accounts, entry 403. Expense accounts filed by candidates for public office, showing name of candidate, party affiliation, office sought, itemized receipts and expenditures, unpaid obligations, totals, official seal and signatures, and date filed. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. Bdl. 9 x 4½ x 3½; f.b. 10 x 5 x 14, 24 bdl., 1906-34, attic strm. closet No. 53; 3 f.b., 1935-36, off. vlt.

#### **209. ELECTION DOCKET, 1930—.**

1 vol. (A). Record of court appointments to fill vacancies in election district boards, showing court term and case no., name of civil division, ward and district nos., reason for vacancy, names of appointee and predecessor, title of office, and dates of appointment and election. Arr. chron. by date of appointment. Indexed alph. by name of civil division. Typed. 660 pp. 18 x 13 x 3½.

### **Licenses and Registration**

(See also entries 147-160, 268, 269, 311-322)

#### **210. LIQUOR LICENSE BONDS, TRANSFERS, PETITIONS, RECEIPTS, 1898-1923.**

33 f.b. (dated). 1874-97 in Miscellaneous Papers, entry 179. Discontinued as a county record; similar subsequent records kept by State Liquor Control Board. Papers filed in applications for liquor licenses, showing court term and case no., names and addresses of applicant and surety, locations of business, type of license desired, amount of bond posted, character references, disposition, official seal and signa-



tures, and date filed. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 10 x 5 x 14. Attic strm. closet No. 33.

**211. LIQUOR LICENSE DOCKET, 1871-1924.**

9 vols. (dated). Discontinued as a county record; similar subsequent records kept by State Liquor Control Board. Record of liquor licenses granted, showing name and address of licensee and surety, location and type of business, and dates application filed and license granted. Arr. chron. by date application filed. No index. Hdw. on ptd. fm. Aver. 200 pp. 12 x 14 x 1½. Attic strm. closet No. 48.

**212. (PEDDLERS' AND HAWKERS' LICENSES), 1833-92.**

1 bdl. (dated). 1892— in Miscellaneous Papers, entry 179. Petitions and bonds filed for peddlers' and hawkers' licenses, showing date; names of petitioner, surety, judge, and county treasurer; date, amount, and conditions of obligations of bond; article to be sold; amount of fee; and date license granted. No obvious arr. No index. Hdw. 8½ x 4½ x 2½. Attic strm. closet No. 49.

**213. SOLDIERS' PEDDLER'S LICENSES, 1919—.**

3 bdl. and 1 f.b. (dated). 1870-1918 in Miscellaneous Papers, entry 179. Petitions filed by disabled veterans for peddler's licenses, showing name and address of veteran, service record, affidavit of physician certifying disability, dates filed and approved, and official seal and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. Bdl. 9½ x 4 x 3; f.b. 10 x 5 x 14. 3 bdl., 1919-33, attic strm. closet No. 47; 1 f.b., 1934—, off. vlt.

**214. DETECTIVES BONDS AND PETITIONS, 1908—.**

1 f.b. Petitions for private detective license, showing court term and case no., name and address of petitioner, occupation, character references, amount of bond posted, name and address of surety, official seal and signatures, and dates filed and approved by court. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

**215. VENDOR AND VENDEE AFFIDAVIT DOCKET, 1920-23.**

1 bdl. (dated), 1 vol. (unlabeled). Untitled, 1920-21, 1 bdl. Discontinued as a county record; similar subsequent records kept by State Bureau of Motor Vehicles. Affidavits of sale of used cars; showing names and addresses of vendor and vendee, occupation of vendee, make of car, engine and county registration nos., date of sale, and signatures of vendor and vendee. Arr. chron. by date filed. No index, 1920-21;

indexed alph. by first letter of surname of parties, 1922-23. Bdl.  $8\frac{1}{2} \times 8 \times 4\frac{1}{2}$ ; vol. 500 pp.  $14 \times 9 \times 2$ . 1 bdl., 1920-21, attic strm. closet No. 53; 1 vol., 1922-23, attic strm. vlt.

**216. STALLION DOCKET, 1894-1908.**

1 vol. Discontinued as a county record; similar subsequent records kept by State Department of Agriculture. Register of stallions, showing date registered; register no., pedigree, and physical description of stallion; date foaled; conditions and terms of service; affidavit and residence of owner; and signature of clerk or deputy. Arr. chron. by date registered. No index. Hdw. on ptd. fm. 500 pp.  $16 \times 12 \times 2$ . Attic strm. closet No. 48.

**Accounts**

**217. (WITNESS VOUCHER STUBS), 1930—.**

5 vols. Stubs of vouchers issued for payment of fees to witnesses, showing date, voucher no., names of defendant and witness, amount, and acknowledgment of witness. Arr. num. by voucher no. No index. Hdw. on ptd. fm. Aver. 275 pp.  $16\frac{1}{2} \times 14 \times 2$ . 2 vols., 1930-34, attic strm. closet No. 48; 3 vols., 1934—, off.

**218. QUARTER SESSIONS FEE BOOK, 1914—.**

4 vols. Record of fees received for services rendered, showing date, amount, name of payer, service rendered, monthly total, and amounts due county and State. Arr. chron. by date of receipt. No index. Hdw. on ptd. fm. Aver. 250 pp.  $16 \times 10\frac{1}{2} \times 1$ . 2 vols., 1914-21, attic strm. closet No. 45; 2 vols., 1922—, off.

**219. COMMONWEALTH DOCKET, 1869—.**

21 vols. (8 vols. dated; 1-13). Record of costs in criminal cases, showing court term and case no.; names of defendant, witnesses, justice of the peace, and constable; costs, fines, fees, and mileage; amount; and date of payment. Arr. chron. by court term. Indexed alph. by first letter of surname of defendant. Hdw. and typed. Aver. 600 pp.  $18 \times 12 \times 3$ . 15 vols., 1869-1924, attic strm. closets No. 50, 51; 6 vols., 1925—, off. vlt.

**220. (Obsolete) COMMONWEALTH COST DOCKET, 1878-81.**

1 vol. (dated). Record of costs in criminal cases, transcribed into Commonwealth Docket, entry 219. Arr. chron. by court term. Indexed alph. by first letter of surname of defendant. Hdw. 350 pp.  $11\frac{1}{2} \times 9\frac{1}{2} \times 1\frac{1}{2}$ . Attic strm. closet No. 48.

**Miscellaneous**

**221. VENIRES, 1886—.**

3 bdl. and 2 f.b. (dated). 1812-85 in Indictment Papers, entry 178. Orders issued to the sheriff and jury commissioners to draw names of jurors from jury wheel, showing date, kind and number of jurors to be drawn, term of court, signature of the clerk of courts, certification of jury commissioners and sheriff, and names, addresses, and occupations of persons chosen. Arr. chron. by court term. No index. Hdw. and typed on ptd. fm. Bdl. 9 x 4 x 5½; f.b. 10 x 5 x 14. 3 bdl., 1886-1933, attic strm. closet No. 53; 2 f.b., 1934—, off. vlt.

**222. CHARGE BOOK, 1876-1903.**

1 vol. (dated). Discontinued. Record of case papers removed from files by attorneys, showing dates removed and returned, character of paper, court term and case no., and signature of borrower. Arr. chron. by date removed. No index. Hdw. 100 pp. 7½ x 6 x ½. Attic strm. closet No. 48.

## **V. REGISTER OF WILLS AND CLERK OF ORPHANS' COURT**

### **Evolution and Structural Organization**

During the colonial period there was a Register General, a Provincial officer, who appointed a deputy for each county. The Constitution of 1776 provided that there be kept in every county a register's office for the probate of wills and the granting of letters of administration, the officers to be appointed by the General Assembly. The office of Register General was declared abolished in the following year. The Constitution of 1790 vested the appointment of the register of wills in the Governor, but the office has been elective since 1838, at first with a three-year term of office, but since 1909 with a tenure of four years.

An orphans' court, presided over by the regular justices of the county court, was established in every county in 1683. Although the office of clerk of orphans' court was referred to in a number of early laws, the first definite provisions for the commissioning of such a clerk were not made until 1834. At first the judges of the court of common pleas presided over the orphans' court of Lehigh County, but since 1931 there has been a separate orphans' court with its own judge. The Constitution requires that, in every county with a separate orphans' court, the register of wills act as clerk of that court.

The register of wills and clerk of orphans' court must, like all county officers, be a citizen and a resident of the county for at least a year before assuming office. Vacancies are filled by the Governor, with the appointee holding office until a successor is chosen in the first municipal election which takes place two or more months after the occurrence of the vacancy. During his tenure, this officer may not also be a justice of the peace or a county treasurer, nor may he serve as county controller during his term of office for two years thereafter. He is not permitted to practice as an attorney in any of the courts of the county. Before assuming office, he must take an oath and post a bond. His present salary is \$4,000 a year.

### **Functions and Records**

In Lehigh County many of the papers of the register of wills have been placed in a general file, here designated as Estate Papers. A paper mentioned below which is not filed separately will probably be filed there.



The register has jurisdiction over the probate of wills and the granting of letters testamentary and letters of administration. The estates under his jurisdiction are those of decedents who resided within the county or the bulk of whose estate lies within the county. He has considerable discretion in the selection of administrators. In addition, the register is permitted to revoke any letters of administration which were granted to persons who are not next of kin or which were given for the estate of a decedent whose will is later found, proven, and admitted to probate. A nonresident of the county may not be appointed executor, administrator, guardian, or trustee unless he files with the register or the clerk of orphans' court a written appointment of a resident of the county upon whom the service of processes and notices may be made. The register of wills grants letters in the case of a presumed decedent, however, only on order of the orphans' court. Upon granting letters, the register must take a bond from all administrators, and from all executors who are not residents of Pennsylvania. Exceptions to such bonds may be filed, and the register determines whether or not they are to be filed. The register and clerk is also empowered to administer oaths. He must do so to all persons to whom he grants letters testamentary or of administration.

When a caveat is entered against the probate of a will or there is a dispute as to the granting of letters, the orphans' court may direct the register to certify the entire record to the court. In such proceedings he determines the amount of costs and by whom they shall be paid. A bond for the payment of costs is filed with the register.

The register may issue a citation to anyone in possession of a testamentary writing requiring its production for probate. If the person served refuses to comply, the register must forward a record of the proceedings to the orphans' court. He may also issue citations to persons interested in the estate of a presumed decedent to show cause why an alleged will should not be probated. In probate proceedings the register has the power to subpoena witnesses and issue attachments to compel appearance, to issue rules, and to take depositions of witnesses outside the county. Certified copies of probate proceedings may be obtained from him and filed with the register of any other county in which the decedent owned real estate. The register is required to file affidavits of deaths.

The register keeps on file all the original wills entered for probate in the county and certified copies of wills probated elsewhere which relate to real estate located in the county. All wills must remain on file at all times except where they are required by a higher court for use in litigation. The wills are recorded in an indexed Will Docket.

The register is the agent of the Commonwealth for the collection of taxes from decedents' estates and in this capacity must furnish bond. He must make reports, forward all duplicate receipts issued to fiduciaries, and make monthly returns to the Department of Revenue, paying the taxes collected into the State Treasury. Before 1927 the register appointed appraisers to evaluate estates subject to transfer inheritance taxes. The register, however, still records returns of appraisers and transmits a monthly statement thereof to the Department of Revenue. Formerly the register of wills was required to keep a minute book in which he entered all the papers which had been filed and a record of the collateral inheritance taxes paid on each estate.

Accounts of fiduciaries, and inventories and appraisements of the property of decedents, are filed in this office. If an inventory is not filed within a specified time by a fiduciary in possession of property subject to inheritance tax, the register cites the fiduciary to do so. The register applies to the orphans' court to enforce payment of taxes remaining unpaid for one year after the death of the decedent. In securing information on the appraisal of estates or collection of taxes, the register has the power to issue subpoenas to compel the production of evidence, to issue attachments to compel the appearance of witnesses, and to administer oaths. Owners of real estate inherited from a resident decedent must make a return to the register within one year of the death of the decedent and give security for the payment of the inheritance tax. Executors and administrators must file in this office a statement in duplicate of those items in their possession which may be subject to the personal property tax.

Until 1874, a register's court, composed of the register of wills and the judges of the court of common pleas, was in existence. Appeals from the decisions of the register of wills were at first taken to the register's court, but now they go before the orphans' court, first being filed with the register.

Between the years 1852 and 1855 the register of wills was required to keep in separate indexed volumes, records of births, marriages, and deaths within the county. The register of marriages and deaths have been maintained until the present time.

A record of fees received by the register must also be kept by this officer.

Custody of the records and seal of the orphans' court is vested in the clerk of orphans' court who performs all the duties pertaining to the office under the direction of the court. He must keep the records at the place of holding the court. He is obliged to keep two indexes for every book in his office. The power of determining the mode of keeping indexes

belongs to the orphans' court, and all orders and directions of the court by virtue of this power must be entered in full on the records of the orphans' court. The clerk gives notice of the adoption of new rules by the orphans' court by posting in his office for twenty days a copy of every such rule.<sup>1</sup> He signs and affixes the seal of the court to all writs issued by it and all exemplifications of the records and processes of the court. He prepares argument lists for the court.<sup>2</sup>

Since 1937 trials by jury may be held in orphans' court, with the approval of the court of common pleas. At the completion of such trials, the clerk certifies the verdict or judgment to the prothonotary, who files and docketts it.

All papers filed in proceedings in orphans' court are preserved by the clerk. Numerous types of papers are found in the Orphans' Court File. These include all papers required to be filed by the clerk which are not found elsewhere. Among these are petitions for the appointment of auditors, applications to vacate letters testamentary, petitions for the appointment of trustees to take charge of absentees' estates and requests for an accounting by a guardian. In addition, there are found here petitions asking the court to declare a person legally dead and to accept the will of such a person. Other papers include elections to take real estate instead of legacies and to take money instead of real estate. When the personal estate of a decedent does not exceed \$500, a petition and an accounting of the estate are filed within six months by the court, the final accounting is dispensed with and the executor or administrator is discharged. In cases where a trustee of an estate has died and the devisees have made an amicable agreement for the division of the estate, the orphans' court may order division of the estate in that manner and the papers concerned with the agreement are filed and recorded by the clerk.

The clerk of orphans' court must keep a docket in which are recorded all proceedings in the settlement of estates. In Lehigh County this is known as Orphans' Court Miscellaneous Docket.

A separate Partition Docket contains a record of all proceedings in partition. In all partition proceedings in which a person is required to give bond, the court may appoint an auditor to ascertain advancements and make distribution of the property. But when there is no auditor, the court determines the amount due to each person concerned. These details must be recorded in the Partition Docket. Every petition for the appointment of an inquest to make partition is presented to the clerk

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<sup>1</sup> "Orphans' Court Rules" in *Court Rules*, Rule VIII, p. 103, hereinafter cited as *O. C. Rules*.

<sup>2</sup> *O. C. Rules*, Rule III, p. 99.



who issues a citation to show cause why the inquest should not be held.<sup>3</sup> Reports of sales of real estate are filed with the clerk. Accompanying each report is an affidavit that the facts contained in the report are true and that the person making the sale is neither directly or indirectly interested as the purchaser of the property sold.<sup>4</sup>

Certain types of bonds are filed with the clerk of orphans' court. These include bonds posted by fiduciaries under whose charge the sale of decedents' property is taking place,<sup>5</sup> and bonds of guardians of the estates of minors.<sup>6</sup> When a person is given a legacy from a presumed decedent, he must file a bond to guarantee repayment if the person later reappears alive. The clerk must also file bonds of heirs to whom distribution is made before all possible creditors have made their claims against the estate, and recognizances of persons who purchase real estate in partition proceedings without depositing the entire purchase price. On file in the office of the clerk are inventories and appraisements and accounts<sup>7</sup> relating to matters under the jurisdiction of the orphans' court. Accounts of guardians and trustees are placed on file every three years or oftener. They are also recorded in a special Account Docket. Appraisements of property retained by the widow or children of a decedent are also placed on file, subject to exceptions which may be filed within twenty days. After the time for filing exceptions has passed, the appraisalment is copied into the Account Docket. If the property retained by the widow or children is real estate, a complete description of its size, location, and boundaries is included in the appraisalment.<sup>8</sup> No petition for the discharge of a guardian may be granted until his accounts have been audited, except in cases where the estate is too small to justify the expense of an audit.<sup>9</sup>

Since 1925, jurisdiction over adoption, which had formerly been vested in the court of common pleas, was vested in the orphans' court, and the clerk must now file all papers pertaining to adoption cases and record adoption proceedings, either in the Orphans' Court Miscellaneous Docket, as is done in Lehigh County, or in a separate Orphans' Court Docket. The clerk must send to the Department of Health certificates of all adoptions granted by the orphans' court. These are filed and registered by the Department as part of its vital statistics records.

From 1893 until 1906, when the State began to have supervision over

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<sup>3</sup> *O. C. Rules*, Rule IX(1), p. 105.

<sup>4</sup> *Ibid.*, Rule X(1, 2), pp. 105, 107.

<sup>5</sup> *O. C. Rules*, Rule X(3), p. 107.

<sup>6</sup> *O. C. Rules*, Rule VII(1), p. 103.

<sup>7</sup> *O. C. Rules*, Rule I, p. 97.

<sup>8</sup> *O. C. Rules*, Rule II, pp. 97, 99.

<sup>9</sup> *Ibid.*, Rule VII, sec. 2, p. 103.



vital statistics records, the clerk of orphans' court kept registers of all births and deaths occurring in the county. The information in these registers was procured for the clerk by the assessors. Since 1941, provisions have been made facilitating the procuring of birth certificates. Any person born before 1906 who has no birth record in the orphans' court or whose birth record there is incomplete or incorrect, may have a record of his birth filed and recorded or corrected in the orphans' court of the county where he was born, upon petition to the orphans' court. Accompanying this petition is the information which is lacking on the existing record and a statement giving the reason why any information not supplied cannot be secured. If the court is satisfied, it orders this information filed, recorded, and indexed by the clerk. The payment of a fee of \$2.50 entitles the applicant to this service and to one certified copy of the record. The clerk is required to furnish certified copies of their birth records to all persons applying for them. He must provide a special docket in which all of these matters are recorded.

The clerk of orphans' court issues marriage licenses. When a minor applying for a license has no parent or guardian to give consent, the judge of orphans' court appoints a guardian just for that purpose. At the time, if the judge is not accessible, the clerk is authorized to name someone as guardian. No one under sixteen years of age may be married even with parental consent, except in special cases when the judge may authorize the clerk of orphans' court to grant a license. Whenever the clerk refuses to issue a license, he must certify the proceedings to orphans' court. The clerk is the agent for the Commonwealth for this collection of marriage license fees, which he sends to the State Treasurer through the Department of Revenue.

A number of records in the office of the clerk relate to marriage licenses. He keeps the applications for marriage licenses. These contain various information specifically stipulated by law and any other information which is necessary to determine whether there are legal prohibitions against the marriage. Since 1903 no one under 21 years of age may receive a marriage license without the consent of a parent or guardian. These consent certificates, usually a part of the application, must be kept on file by the clerk. A marriage license is divided into three sections. The first, known as the license, gives authority for the marriage to be performed. The second section is the original marriage certificate which is filled out by the person who officiated at the marriage and given to the couple. The third part is the duplicate certificate which is returned to the clerk of orphans' court and filed by him. Since May 17, 1940, the clerk has not been permitted to issue a marriage license until both parties file a physician's report showing that they have satisfactorily

submitted a blood test. Along with this report is a certificate from the laboratory where the test was made. These papers must be filed separately from the marriage license docket and must be considered as absolutely confidential by any officer or employee who sees them. The clerk of orphans' court keeps a Marriage License Docket in which are recorded every application for a marriage license and the papers pertaining to it.

Certain miscellaneous duties belong to the clerk of orphans' court. If the judge is unable to attend court, the clerk adjourns it from day to day. In arbitration cases where the prothonotary is a party to a suit, the clerk may perform the prothonotary's duties. The clerk of orphans' court estreats to the State all fines paid into the court, and periodically sends to the Commonwealth all money which is due to the State. In certain cases the orphans' court may order the clerk to execute and deliver the deed or mortgage to land sold or mortgaged by order of the court.

Certain assistants are appointed by the register and clerk. A deputy register must be named. He is permitted to perform any of the duties of the register of wills. A deputy clerk of orphans' court and as many extra deputies as the clerk believes necessary are likewise appointed. The salaries of all these assistants are fixed by the county salary board. In Lehigh County the register and clerk have six assistants.<sup>10</sup>

The records of the register and clerk are all kept in his office.

**223. MINUTE BOOK, 1812—.**

23 vols. Minutes of proceedings in orphans' court, showing court term; date of meeting; time convened and adjourned; names of judges, parties, and attorneys; business transacted; and signature of clerk of orphans' court. Arr. chron. by court term. No index. Hdw. Aver 200 pp. 16 x 11½ x 2¾.

**224. PROCEEDINGS OF THE REGISTER'S COURT, 1843-71.**

1 vol. Record of proceeding in cases of contested wills, showing names of estate, caveators, attorneys, and fiduciary; cause for action; date of hearing; costs; and disposition. Arr. chron. by date of hearing. Indexed alph. by first letter of surname of estate. Hdw. 110 pp. 12 x 8 x ½.

### **Wills and Administration**

**225. REGISTERS INDEX, 1812—.**

20 vols. (labeled by contained letters of the alphabet). Index to proceedings concerning settlement of decedents' estates entered in Will

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<sup>10</sup> *Controller's Report*, 1940, p. 35.

Docket, entry 227; Testamentary Docket, 1886—, entry 229; Bond Docket, entry 244; Administrators Docket, 1886—, entry 228; and Appraisalment Docket, 1885—, entry 230, showing estate no.; names of decedent, fiduciary, and surety; date of death; date and character of papers filed; and vol. and p. reference. Arr. alph. by first letter of surname of estate. Typed. Aver. 175 pp. 18 x 14½ x 2.

**226. (ESTATE PAPERS), 1812—.**

476 f.b. (labeled by contained estate nos.). Papers filed in settlement of estates, including wills, inventories and appraisements, petitions for letters of testamentary and administration, and affidavit of death, showing name and no. of estate, names of parties, date and character of paper, official seal and signatures, and date filed. Arr. num. by estate no. No index. Hdw. and typed. 10 x 5 x 14.

**227. WILL DOCKET, 1812—.**

34 vols. (1-34). Recorded copies of wills filed for probate, showing date of will, names of decedent, heirs, fiduciary, and witnesses; terms and provisions of will; dates filed for probate and recorded; and attestation of register. Arr. chron. by date recorded. Indexed alph. by first letter of surname of estate; also separate index, entry 225. Hdw. and typed. Aver. 700 pp. 18 x 12 x 3.

**228. ADMINISTRATORS DOCKET, 1886—.**

7 vols. (1-7). Record of letters of administration granted, showing estate no.; names of decedent, heirs, and fiduciary; dates of death and application for letters; location and value of estate; amount of bond posted; date letters granted; and attestation of register. Arr. chron. by date letters granted. Indexed alph. by first letter of surname of estate; also separate index, entry 225. Hdw. and typed. Aver. 750 pp. 18 x 12 x 3½.

**229. TESTAMENTARY DOCKET, 1886—.**

10 vols. (1-10). Record of letters testamentary granted, showing estate no.; name and late address of decedent; name of fiduciary; value of estate; dates of death, petition filed, and letters granted; and attestation of register. Arr. chron. by date letters granted. Indexed alph. by first letter of surname of estate; also separate index, entry 225. Hdw. and typed. Aver. 700 pp. 18 x 12 x 3.



## **Inventories and Appraisement**

### **230. APPRAISEMENT DOCKET, 1885—.**

21 vols. (1-21). Recorded copies of inventories and appraisements of decedents' estates, showing names of decedent and appraiser, location and description of real and personal property, itemized list of chattels, appraised valuation, total value, and dates of death, appraisement, and recording. Arr. chron. by date recorded. Indexed alph. by first letter of surname of estate; also separate index, entry 225. Hdw. and typed. Aver. 700 pp. 18 x 12 x 3½.

### **231. COLLATERAL APPRAISEMENT DOCKET, 1885-1914.**

4 vols. (1-4). Discontinued. Recorded copies of inventories and appraisements of decedents' estates for collateral inheritance tax, showing information as in entry 230. Arr. chron. by date recorded. Indexed alph. by first letter of surname of estate. Hdw. on ptd. fm. Aver. 700 pp. 18 x 12 x 3.

## **Inheritance Tax**

### **232. COLLATERAL INHERITANCE TAX DOCKET, 1855—.**

3 vols. Record of inheritance taxes due and paid on decedents estates, showing information as in entry 233. Arr. chron. by date of payment. Indexed alph. by first letter of surname of estate. Hdw. on ptd. fm. Aver. 350 pp. 20 x 15 x 3.

### **233. DIRECT INHERITANCE TAX DOCKET, 1917—.**

4 vols. (1-4). Record of direct and transfer inheritance taxes due and paid on decedents' estates, showing name and address of decedent; date of death; type of letters granted; name and address of fiduciary; names of attorneys and appraisers; appraised value of estate; amount subject to taxation; deductions, abatements, and penalties; dates and amounts of payments; and estate no. Arr. chron. by date of payment. Indexed alph. by first letter of surname of estate. Hdw. on ptd. fm. Aver. 250 pp. 20 x 14 x 3.

### **234. (TRANSFER INHERITANCE TAX STUB BOOKS), 1917—.**

120 vols. (dated). Stubs of receipts issued for payment of transfer inheritance taxes, showing receipt no., name and late address of decedent, date of death, appraised value of estate, amounts subject to taxation, date and amount paid, and signature of register. Arr. chron. by date of payment. No index. Hdw. Aver. 150 pp. 8½ x 4 x 1.



**Papers and Dockets****235. ORPHANS' COURT INDEX, 1812—.**

20 vols. (labeled by contained letters of the alphabet). Index to Orphans' Court Miscellaneous Docket, entry 237; Orphans' Court Account Docket, 1850—, entry 247; Recognizance Docket, 1856—, entry 243; Bonds for the Sale of Real Estate, 1857—, entry 242; Guardian Bond Docket, 1857—, entry 245; and Partition Docket, 1889—, entry 241, showing file no., name of estate, date and character of papers filed and vol. and p. reference. Arr. alph. by first letter of surname of estate. Typed. Aver. 175 pp. 18 x 12 x 2½.

**236. (ORPHANS' COURT FILES), 1812—.**

554 f.b., 18 f.d. (labeled by contained estate nos.). Papers filed in orphans' court proceedings, showing court term, case and estate nos., names of decedent and parties involved, date and character of instrument, date filed, and official seals and signatures. Also contains: Bonds for the Sale of Real Estate, 1812-56, entry 242; and Guardian and Trustee Accounts, 1812-18, 1900—, entry 246. Arr. num. by estate no. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

**237. ORPHANS' COURT MISCELLANEOUS DOCKET, 1812—.**

39 vols. (1-39). Record of proceedings in orphans' court, showing court term and case no., names of parties and attorneys, cause for action, abstract of all parties filed, and disposition. Also contains: Partition Docket, 1812-88, entry 241. Arr. chron. by court term. For index, *see* entry 235. Hdw. and typed. Aver. 700 pp. 18 x 12 x 3½.

**238. (Obsolete) ORIGINAL ORPHANS' COURT MISCELLANEOUS DOCKET, 1812-50.**

5 vols. (1-5). Record of proceedings in orphans' court, transcribed into Orphans' Court Miscellaneous Docket, entry 237. Arr. chron. by court term. Indexed alph. by first letter of surname of decedent. Hdw. Aver. 600 pp. 17 x 11 x 3.

**239. (Obsolete) ORPHANS' COURT INDEX, 1812-1918.**

20 vols. (labeled by contained letters of alphabet). Index to Orphans' Court Miscellaneous Docket, entry 237, transcribed into Orphans' Court Index, entry 235. Arr. alph. by first letter of surname of estate. Hdw. on ptd. fm. Aver. 300 pp. 18 x 12 x 2.

**240. ARGUMENT LIST, 1829—.**

10 vols. Cases listed for argument, showing court term and case no., names of parties and attorneys, cause for action, and dates of filing and argument. Arr. chron. by court term. No index. Hdw. Aver. 250 pp. 12 x 9½ x 1½.

**Partitions**

(*See also* entry 102)

**241. PARTITION DOCKET, 1889—.**

4 vols. (1-4). 1812-88 in Orphans' Court Miscellaneous Docket, entry 237. Record of papers filed in partition proceedings of estates, showing court term and case no.; names of decedent, interested parties, and judge; description and value of estate; date and type of paper filed; and court orders and decrees. Arr. chron. by court term. For index, *see* entry 235. Hdw. and typed. Aver. 700 pp. 18 x 12 x 3.

**Bonds**

(*See also* entries 62, 98-101, 190, 191, 333)

**242. BONDS FOR THE SALE OF REAL ESTATE, 1857—.**

7 vols. (1-7). 1812-56 in Orphans' Court Files, entry 236. Bonds posted by fiduciaries of decedents' estates assuring distribution of funds arising from the sale of real estate, showing court term and case no.; names of estate, fiduciary, heirs, and surety; location and description of property; appraisal valuation; date, amount, and conditions of obligation of bond; official seal and signatures; and date filed. Arr. chron. by date filed. For index, *see* entry 235. Hdw. and typed on ptd. fm. Aver. 340 pp. 18 x 22 x 3.

**243. RECOGNIZANCE DOCKET, 1856—.**

3 vols. (1-3). Bonds posted by purchasers of real estate at sheriff's sales of decedents' estates, showing court term and case no.; names of estate, heirs, purchaser, fiduciary, and surety; location and description of property; appraised valuation; date, amount, and conditions of obligation of bond; official seal and signatures; and dates of filing and satisfaction. Arr. chron. by date filed. For index, *see* entry 235. Hdw. on ptd. fm. Aver. 800 pp. 18 x 12 x 3.

**244. BOND DOCKET, 1812—.**

27 vols. (1 vol. unlabeled; 1-10, 1-17). Untitled, 1812-24, 1 vol. Bonds posted by administrators of decedents' estates, showing names

of estate, administrator, and surety; date, amount, and conditions of obligations of bond; official seal and signatures; and date filed. Arr. chron. by date filed. Indexed alph. by first letter of surname of estate; also separate index, entry 225. Hdw. and typed on ptd. fm. Aver. 400 pp.  $15\frac{1}{2} \times 11 \times 3\frac{1}{2}$ .

**245. GUARDIANS BOND DOCKET, 1857—.**

12 vols. (1-12). Bonds posted by guardians and trustees of estates, showing estate no.; names of estate, minor or ward, fiduciary, and surety; date, amount, and conditions of obligation of bond; official seal and signatures; and date filed. Arr. chron. by date filed. For index, *see* entry 235. Hdw. and typed on ptd. fm. Aver. 350 pp.  $18 \times 12 \times 4\frac{1}{2}$ .

**Fiduciaries' Accounts**

(*See also* entries 165-168)

**246. GUARDIAN AND TRUSTEE ACCOUNTS, 1819-99.**

11 f.b. (dated). 1812-18, 1900— in Orphans' Court Files, entry 236. Original accounts filed by guardians and trustees of estates, showing estate no.; court term and case no.; names of decedent, ward, and fiduciary; receipts and expenditures; balance; dates filed, confirmed, and recorded; and official seal and signatures. Arr. chron. by date filed. No index. Hdw.  $10 \times 5 \times 14$ .

**247. ORPHANS' COURT ACCOUNT DOCKET, 1850—.**

79 vols. (1-79). Recorded copies of fiduciaries' first and final accounts of decedents' estates, showing estate no., court term and case no., names of decedent and fiduciary, receipts and expenditures, balance, and dates filed, confirmed, and recorded. Arr. chron. by date filed. For index, *see* entry 235. Hdw. and typed. Aver. 700 pp.  $18 \times 12 \times 3$ .

**Vital Statistics**

**248. REGISTER OF BIRTHS, 1894-1905.**

4 vols. (1-4). Discontinued as a county record; similar subsequent records kept by State Bureau of Vital Statistics. Record of births, showing name, sex, color, and date and place of birth of child; occupation of father; names and addresses of parents and medical attendant; date recorded; and signature of registrar. Arr. alph. by first letter of surname of child. No index. Hdw. on ptd. fm. Aver. 250 pp.  $18 \times 12 \times 3$ .

**249. MARRIAGE LICENSES, 1885—.**

88 f.b. (labeled by contained license nos.). Applications for marriage licenses, consents to marriage of minor, and returns of marriage, showing no. and date of application; names, addresses, ages, occupations, color, previous marital status, relationship, mental and physical condition, and dates and places of birth of contracting parties; names and addresses of parents; affidavit of consent of parents or guardian to marriage of a minor; date and place of marriage; title of person performing ceremony; and official signatures. Arr. num. by license no. No index. Hdw. on ptd. fm. 10 x 5 x 14.

**250. REGISTRATION OF MARRIAGES, 1853-55.**

1 vol. Registration of marriage certificates, showing names, addresses, age, color, occupation, birthplace, and previous marital status of parties; date and place of marriage; title of person performing ceremony; attestation of register; and date registered. Arr. chron. by date of registration. For index, *see* entry 251. Hdw. on ptd. fm. 700 pp. 18 x 13 x 3.

**251. INDEX OF MARRIAGES, 1853-55.**

1 vol. Index to Registration of Marriages, entry 250, showing name of husband, date of marriage, and vol. and p. reference. Arr. alph. by first letter of surname of husband. Hdw. 400 pp. 18 x 13 x 2.

**252. MARRIAGE LICENSE DOCKET, 1885—.**

74 vols. (1-74). Record of marriages, showing license no. and date of application; names, addresses, ages, color, previous marital status, relationship, mental and physical condition, and dates and places of birth of contracting parties; names and addresses of parents; consent to marriage if a minor; date and place of marriage; and name and title of person performing ceremony. Arr. chron. by date of application. For index, *see* entry 253. Hdw. on ptd. fm. Aver. 1,000 pp. 16 x 12 x 4.

**253. MARRIAGE LICENSE INDEX, 1885—.**

17 vols. (labeled by contained letters of the alphabet). Index to Marriage License Docket, entry 252, showing names of parties, license no., date of marriage, and vol. and p. reference. Arr. alph. by first letter of surnames of parties. Typed. Aver. 175 pp. 18 x 12 x 2½.

**254. (Obsolete) INDEX TO MARRIAGE LICENSES, 1885-1912.**

3 vols. (1-3). Index to Marriage License Docket, entry 252, transcribed into Marriage License Index, entry 253. Arr. alph. by first letter of surnames of parties. Hdw. on ptd. fm. Aver. 400 pp. 16 x 12 x 2.



**255. REGISTER OF DEATHS, 1894-1905.**

2 vols. (1-2). Discontinued as a county record; similar subsequent records kept by State Bureau of Vital Statistics. Registration of deaths, showing name, address, age, sex, color, occupation, marital status, and dates and places of birth, death and interment of decedent; cause of death; duration of last illness; names of parents, physician, and undertaker; date recorded; and signature of registrar. Arr. chron. by date recorded. Indexed alph. by first letter of surname of decedent. Hdw. on ptd. fm. Aver. 250 pp. 18 x 14 x 2½.

**256. REGISTRATION OF DEATHS, 1852-55.**

1 vol. Record of deaths, showing name, address, age, sex, color, occupation and marital status of deceased; dates and places of birth, death, and interment; names of parents; cause of death; name, address, and title of person returning certificate; date of registration; and attestation of register. Arr. chron. by date of registration. For index, *see* entry 257. Hdw. on ptd. fm. 700 pp. 18 x 13 x 3.

**257. INDEX OF DEATHS, 1852-55.**

1 vol. Index to Registration of Deaths, entry 256, showing name of deceased, date of death, and vol. and p. reference. Arr. alph. by first letter of surname of deceased. Hdw. 400 pp. 18 x 13 x 2.

**Fees**

**258. CASH BOOK, 1909—.**

9 vols. Daily record of fees received by register, showing date, names of decedent and payer, service rendered, amount and totals. Arr. chron. by date of payment. No index. Hdw. on ptd. fm. Aver. 400 pp. 16 x 11 x 2.

## **VI. SHERIFF**

### **Evolution and Structural Organization**

At first, the freemen of Lehigh County triennially elected two candidates from whom the Governor selected the sheriff. The sheriff became a purely elective officer under the terms of the Constitution of 1838. His tenure was increased to four years after 1909. For at least a year before his election, the sheriff must have been a citizen and a resident of the county. He may not keep a tavern nor may he live at a licensed tavern during his residence at the county seat. He is not permitted to succeed himself in office. Vacancies in the office of sheriff are filled by the Governor, the appointee to hold office until a new sheriff is chosen in the first general election which takes place two or more months after the vacancy occurred. Before assuming office, the sheriff must take an oath, post a bond of \$60,000, and submit to a recognizance. The present sheriff of Lehigh County receives an annual salary of \$6,000. His fees, which are stipulated in various laws, are paid into the county treasury.

### **Functions and Records**

As an officer of the court, the sheriff attends its sessions, collects court costs, and abates nuisances pursuant to court order. He adjourns court in the absence of the judges and the proper clerk. Since he is obliged to serve all writs issued by the Supreme and Superior Courts, the courts of common pleas and quarter sessions and oyer and terminer, the juvenile court, the orphans' court, and courts martial, it follows that he makes arrests. In civil cases the sheriff may set the amount of bail and take bail bonds. Upon request, the sheriff must give free of charge a written statement citing the charge upon which any prisoner is held and the amount of bail demanded. If a person to be arrested has gone into another county, the sheriff of the second county may be deputized to make the arrest and conduct the prisoner to the county where he is wanted. The sheriff may go into another county to serve a writ of scire facias upon a mortgagor.

The sheriff has been charged with keeping the peace and preventing riot and insurrection. He must arrest deserting husbands, persons selling liquor within three miles of a soldiers' camp, and people catching fish by illegal means. He may seize certain property used unlawfully, such as horses racing illegally and nets and snares forbidden by law for use in

fishing. Whenever the Governor requests assistance from the sheriff, it must be given.

In addition to the writs of the courts, the sheriff serves processes emanating from the fiscal officers of the State, the Public Utility Commission, and the county controller. He is also required to serve citations for the removal of a poor person from the county to his legal place of residence.

At the close of a sheriff's term of office, all writs as yet unserved are delivered to his successor for execution. The sheriff must keep a docket "of all writs which come into his hands and the proceedings thereon." When the sheriff leaves office, he turns over all filled dockets to the prothonotary.

At first, the sheriff of Lehigh County was in charge of the county jail, being permitted either to act as warden or to appoint someone to do so. But with the erection of the new county jail in 1869, there was created a board of prison inspectors, composed of the county commissioners and two additional members appointed by the court. This board was vested with the authority to appoint the jail warden. The sheriff, however, is an official visitor of the prison and may enter the prison at any time. The sheriff also takes the persons to prison and to the reformatory. Upon request, he must report to the Department of Welfare, giving lists of all persons arrested and conducted to prison by him. He must also furnish the Department with facilities for investigating these reports. He may take violent mental patients to hospitals for mental diseases and return to the asylum patients who overstay leaves of absence or escape from the asylum.

The sheriff is in charge of the sales of property taken in execution proceedings. Within five days after attachment, he must file in the prothonotary's office descriptions of all attached property. He is required to advertise all sales to be held by him for three successive weeks. Whenever there is a dispute regarding the ownership of the entire property to be sold, the sheriff serves a rule concerning its ownership. If a third party claims part of the goods levied on as his, a hearing is held to determine whether the claim shall be allowed. If it is permitted, the sheriff appoints an appraiser to determine the value of the goods held by the plaintiff. Unless the claimant pays for the appraisal, the sheriff may assume that he has abandoned his right to the goods, which therefore may be sold. On order of the court, the sheriff may sell immediately any perishable goods levied on. He is also authorized to summon an inquest of six men who determine whether the rents from a property will be sufficient to defray the liens against it within seven years. If so, the sheriff need not sell it. The sheriff is empowered to appoint a watchman



for any property in his custody, and he may enter a property by force in order to sell it. He may not dispose of the property of a corporate body without first filing a statement with the Department of Revenue in order to ascertain whether there are other public liens against it. After every sheriff's sale, a deed is given to the purchaser by the sheriff. These are noted in the prothonotary's office and recorded by the recorder of deeds. The sheriff makes a report of all sales to the court which appoints an auditor to distribute among the creditors the proceeds of each sale. This officer files with the prothonotary a schedule of the proposed distribution of the profits of every sale he holds. If no objections are filed within the time limit set by the court, the sheriff pays out the money according to the schedule, but if exceptions are made, the court makes the final decision. When the plaintiff purchases personal property sold at a sheriff's sale, he or his attorney must give the sheriff a receipt for the amount which was due to him.

Provisions have been made for the redemption by the original owner of property sold by the sheriff for tax or municipal claims. Such redemption, which must take place within a year after the date of acknowledgment of the sheriff's deed, is accomplished by repaying the amount bid at the sheriff's sale plus certain other designated costs.

The sheriff of Lehigh County has always had certain responsibilities in connection with the selection of jurors. Jurors' names were first drawn by the sheriff and county commissioners, and since 1867 by the sheriff and jury commissioners. The sheriff also summons the jurors whose names have been drawn, and upon request by a juror who has served, prepares for him a certificate of attendance.

The sheriff's duties in connection with elections have decreased in recent years. Formerly he gave notice by newspaper advertisement of general and special elections, except township and borough elections. The sheriff received lists of candidates for State and National offices from the Secretary of the Commonwealth and for local offices from the county commissioners. Since 1937, however, these duties have belonged to the county commissioners acting as county board of elections, and the sheriff's only remaining responsibilities at election time include keeping the polling place clear and serving on the election return board whenever any of its members are ineligible.

A number of miscellaneous duties and responsibilities belong to the sheriff. Whenever there is a vacancy in the office of coroner, the sheriff may legally perform any of the coroner's duties, just as the coroner may act as sheriff when that office is vacant. The sheriff must publish notices of approaching divorce actions if one party cannot be located. Persons entitled to sequestration of rents, issues, and profits of



life estates are put into possession and kept there by the sheriff. Whenever the prothonotary is a party to a suit, the sheriff may act as prothonotary. The sheriff is authorized to issue licenses to carry firearms and must keep in his office for six years a record of every firearms permit issued by him. Prior to 1937, the sheriff was allowed to institute proceedings against persons betting on elections. He is obliged to keep in a conspicuous place in his office a list of his fees, and he must give an itemized receipt to anyone requesting it. The sheriff keeps accounts which are open to the inspection of the county controller.

The sheriff may appoint certain assistants, among them a chief deputy who may perform any of the duties of his principal. This officer serves at the pleasure of the sheriff and his compensation is fixed by the salary board. Additional deputies may also be appointed by the sheriff. The sheriff of Lehigh County at present has three deputies whose salaries range from \$1,860 a year to \$2,200 a year. Before a person may secure an appointment as deputy sheriff, there must be on file in the prothonotary's office his photograph and an affidavit to the effect that the applicant is an adult citizen who has resided in the county for two years, has never been convicted of a serious crime, and has not for two years acted as a detective or guard in a labor dispute. The sheriff also may appoint a solicitor whose salary is fixed by law at \$500. The solicitor, who must be learned in the law, gives the sheriff legal advice, conducts any litigation pertaining to the sheriff's office when requested by the sheriff, and holds office during the term for which the sheriff is elected.

## Service of Writs

### **259. SHERIFF'S DOCKET, 1815-1906, 1924—.**

42 vols. (dated and labeled by name of sheriff). Record of writs and summonses issued to sheriff for service, showing court term and case no.; names of parties and attorney; date and type of writ; date, time, and place of service; date of return; amounts of fees and expenses; and signature of sheriff. Arr. chron. by court term. Indexed alph. by first letter of surname of defendant. Hdw. on ptd. fm. Aver. 450 pp. 16 x 11 x 3. 39 vols., 1815-1906, 1924-34, proth. off.; 3 vols., 1935—, off.

### **260. EXECUTION DOCKET, 1896—.**

36 vols. (dated and numbered in separate series, name of sheriff). Sheriff's record of execution proceedings, showing court term and case no.; names of parties and attorneys; dates of issue and return; type of writ; amounts of debt, interest, and costs; location and description of property; date of sale and amount realized; and name of purchaser.

Arr. chron. by court term. Indexed alph. by first letter of surname of defendant. Hdw. on ptd. fm. Aver. 350 pp. 18 x 12 x 4. 27 vols., 1896-1934, proth. off. vlt.; 9 vols., 1934—, off.

**261. DIVORCE DOCKET, 1932—.**

3 vols. Record of subpoenas served in divorce actions, showing court term and case no.; names of defendant and respondent; date, time, and place of service or publication; costs; and date paid. Arr. chron. by date of service. Indexed alph. by first letter of surname of defendant. Hdw. 398 pp. 17 x 9 x 2½. Off.

### Commitments

**262. ORDER OF COURT, 1932, 1935—.**

1 bdl., 2 f.b. Copies of orders of commitment of persons in insane and penal institutions, showing court term and case no., name of defendant, type of order, name and location of institution, official signatures, and date filed. Arr. chron. by court term. No index. Typed on ptd. fm. Bdl. 8 x 3½ x ½; f.b. 10 x 5 x 14. 1 bdl., 1932, attic strm. vlt.; 2 f.b. 1935—, off.

### Sales

**263. LEVY PAPERS OF SHERIFF, 1923—.**

4 f.d., 8 bdl., and 25 f.b. (labeled by court term). Record of levies made upon personal property, showing court term, date and type of writ, names of parties, location and description of property, dates of levy and sale, and name of sheriff or deputy. Arr. chron. by court term. No index. Hdw. and typed on ptd. fm. F.d. 12 x 16 x 18; bdl. 16 x 16 x 7; f.b. 10 x 5 x 14. 4 f.d., 8 bdl., 1923-33, attic strm. vlt.; 25 f.b. 1934—, off.

**264. PETITIONS FOR RULE UNDER SHERIFF'S INTERPLEADER ACT, 1928—.**

1 f.b., 2 f.d. Petitions filed by sheriff for rule of court of ownership of goods or chattels held by sheriff and claimed by two or more persons, showing names of plaintiff, defendant, and claimants; court term and case no.; itemized inventory; description, location, and valuation of property held; notice of claim; official seal and signatures; date filed; and decree of court. Arr. chron. by court term. No index. Typed on ptd. fm. F.b. 10 x 5 x 14; f.d. 10 x 14 x 18. 1 f.b., 1928-32, attic strm. vlt.; 2 f.d., 1933—, off.

**265. (PERSONAL PROPERTY SALES), 1890-98, 1927—.**

4 vols., 4 bdl. List of personal property sold at sheriffs' sales, showing court term and case no., names of parties, date and place of sale, description of property, amount received for each article, and name of purchaser. Arr. chron. by date of sale. Indexed alph. by first letter of surname of defendant, 1890-98; no index, 1927—. Hdw. and typed. Vols. aver. 350 pp. 13 x 9 x 2; bdl. 9½ x 6 x 2. 4 vols., 1890-98, attic strm. closet No. 31; 3 bdl., 1927-36, attic strm. vlt.; 1 bdl., 1937—, off.

**266. CONDITIONS OF SALE, 1931—.**

2 bdl., 2 f.b. Conditions of agreements of sheriffs' sales, showing date; court term and case no.; sale price; amount of deposit; conditions of sale; date and amount of final payment; location and description of property; proof of publication; signatures of purchaser, sheriff, and witnesses; and name of attorney. Arr. chron. by court term. No index. Hdw. and typed on ptd. fm. Bdl. 16 x 14 x 10; f.b. 10 x 5 x 14. 2 bdl., 1931-35, attic strm. vlt.; 2 f.b., 1936—, off.

**267. SCHEDULE OF DISTRIBUTION, 1928—.**

3 bdl., 1 f.b. Record of distribution of funds arising from sheriffs' sales, showing court term and case no., date of recording, name of defendant, type of writ, receipts, expenditures, costs, and schedule of distribution. Arr. chron. by court term. No index. Typed on ptd. fm. Bdl. 13 x 10 x ⅛; f.b. 11 x 5 x 14. 3 bdl., 1928-33, attic strm. vlt.; 1 f.b., 1934—, off.

## Licenses

(See also entries 147-160, 210-216, 311-322)

**268. FIREARM LICENSE PERMITS, 1932—.**

1 bdl., 1 f.d. Duplicates of permits issued to carry firearms, showing permit no.; date issued; name, address, age, citizenship status, and physical description of licensee; reason for granting permit; make, serial no., and caliber of weapon; date of expiration of permit; and signatures of licensee and sheriff. Arr. chron. by date issued. No index. Typed on ptd. fm. Bdl. 3 x 4½ x 6; f.d. 6 x 8 x 10. 1 bdl., 1932-33, attic strm. vlt.; 1 f.d. 1934—, off.

**269. FIREARM PERMITS, 1932—.**

1 vol. Record of license permits issued to carry firearms, showing name of licensee, date and license no., amount of fee, and name of sheriff. Arr. chron. by date issued and thereunder num. by license no.

Indexed alph. by first letter of surname of licensee. Hdw. 140 pp. 6½ x 4 x 1.

### **Accounts**

#### **270. CHECK STUBS, 1928—.**

2 bdl., 4 f.b. Stubs of checks issued, showing date, no., names of bank and payee, amount, purpose, and balance. Arr. num. by check no. No index. Hdw. on ptd. fm. Bdl. 10 x 5 x 1½; f.b. 10 x 5 x 14. 2 bdl., 1928-33, attic strm. vlt.; 4 f.b., 1934—, off.

#### **271. (CANCELLED CHECKS), 1929—.**

1 f.b., 3 f.d. Returned canceled checks, showing date, no., names of payee and bank, amount, signature of sheriff, endorsement, and cancellation stamp. Arr. chron. by date canceled. No index. Hdw. on ptd. fm. F.b. 10 x 5 x 14; f.d. 10 x 14 x 16. 1 f.b., 1929-33, attic strm. vlt.; 3 f.d., 1934—, off.

#### **272. CASH BOOK, 1924—.**

6 vols., 2 bdl. (2 vols. labeled 1, 2; 4 vols., 4 bdls., unlabeled). Record of cash receipts and disbursements in execution and miscellaneous proceedings, showing date, names of parties, court term and case no., amount, source and purpose, totals, and balance for month. Arr. chron. by date of receipt and disbursement. No index. Hdw. on ptd. fm. Bdl. 11 x 18 x 1; vols. Aver. 150 pp. 11 x 20 x 1½. 4 bdl., 4 vols., 1924-33, attic strm. vlt.; 2 vols., 1934—, off.

#### **273. (MONTHLY REPORT OF FEES), 1924—.**

6 bdl. Duplicates of sheriff's monthly reports to controller of fees received, showing date, court term and case no., names of plaintiff and defendant, nature of service, amount of fee, total, amounts due county and State, and signature of sheriff. Arr. chron. by date of report. No index. Hdw. and typed on ptd. fm. 11 x 16 x 2. 4 bdl., 1924-34, attic strm. vlt.; 2 bdl., 1935—, off.

#### **274. (PROTHONOTARY'S CERTIFICATIONS), 1929—.**

1 bdl., 1 f.b. Certified statement of fees and costs collected by sheriff in service of writs and summons, showing date, court term and case no., nature of instrument, name of payee, amount, date paid, and certification by prothonotary. Arr. chron. by date certified. No index. Typed. Bdl. 14 x 10 x 1; f.b. 10 x 5 x 14. 1 bdl., 1929-33, attic strm. vlt.; 1 f.b., 1934—, off.



**Miscellaneous****275. WAGE CLAIMS, 1927—.**

3 bdl., 1 f.d. Claims filed for wages overdue, showing court term and case no., names of plaintiff and defendant, type and location of business, amount of claim, official seal and signatures, and date filed. Arr. alph. by first letter of surname of claimant and thereunder chron. by date of filing. No index. Hdw. and typed. Bdl. 9 x 3½ x 3; f.b. 10 x 5 x 14. 3 bdl., 1927-33, attic strm. vlt.; 1 f.b., 1934—, off.

## VII. CORONER

At first, the coroner of Lehigh County was selected by the Governor triennially from two nominees elected by the people of the county. Since 1838, this officer has been completely elective. The term of office was increased to four years by a constitutional amendment of 1909. For at least a year before his election, the coroner must have held American citizenship and be a resident in the county. Vacancies in the office are filled by the Governor. Before assuming office, the coroner takes an oath which is filed with the prothonotary, and posts a bond one-fourth as large as that given by the sheriff. The bond must be acknowledged before the recorder of deeds. The coroner's annual salary is set by law at \$2,500. His fees, the amounts of which are fixed by law, are paid into the county treasury.

The chief duty of the coroner is to investigate all sudden, mysterious, or violent deaths occurring within the county. It is usually the custom for the coroner to investigate all deaths occurring in prison. Whenever a death occurs without medical attendance, a certificate is issued by the coroner before burial is permitted. Whenever he deems it necessary, the coroner may hold an inquest into a death, calling witnesses, and summoning a coroner's jury. When he decides that an inquest is not necessary, he receives the same fees and mileage as if he held one. Whether or not an inquest is held, the coroner issues a certificate stating the probable cause of death. The costs of an inquest are borne by the county, but if death be adjudged a case of murder or manslaughter they are paid from the slayer's property. In cases where a death occurs more than ten miles from the coroner's office, or when the coroner is for any reason unable to be present, a justice of the peace may hold an inquest. Reports of coroner's inquests are made to the court of quarter sessions.

At the death of an unidentified person in the county, his effects are given into the coroner's charge. The coroner keeps them until the person entitled to them is found.

Upon presentment of two successive grand juries, the county must establish a morgue. Lehigh County has not found it necessary to do so, and in such cases, the coroner may use any convenient private morgue, the owner of which is compensated by the county.

The coroner may appoint and dismiss as many deputies as he considers necessary. A deputy is permitted to perform any of the duties of his principal.

The coroner acts as sheriff in case of a vacancy in that office, holding office until a new sheriff is legally commissioned and notice of that fact given to the coroner. Under similar circumstances the sheriff substitutes for the coroner. As a natural consequence of this relationship between the two offices, writs on the sheriff are served by the coroner.

All of the books and papers in the coroner's office are open to the inspection of the public.

**276. INQUEST DOCKET, 1894-99, 1909—.**

7 vols. (2 vols. dated; 5 vols. unlabeled). Title varies: Coroner's Docket, 1894-99, 2 vols. Record of inquests held by coroner, showing date and place of inquest; name, age, sex, color, and marital status of deceased; date, place and cause of death; names of coroner, witnesses, and jurors; and findings. Arr. chron. by date of inquest. Indexed alph. by first letter of surname of deceased, 1894-99; no index, 1909—. Hdw. on ptd. fm. Aver. 500 pp. 14 x 9 x 3. 2 vols., 1894-99, attic strm. closet No. 48; 5 vols., 1909—, off.

## VIII. DISTRICT ATTORNEY

### Evolution and Structural Organization

The district attorney is the successor of the former deputy attorney general, who was appointed in each county by the State Attorney General. There was no specific law authorizing the appointment of these deputies, but their existence was recognized in a number of acts. In 1850 the deputy attorney general was supplanted by the district attorney, elected in each county for a three-year term.

The district attorney must be a citizen of the United States and a resident of the county for a two-year period before his election. He must have been admitted to practice before the Supreme or Superior Court of Pennsylvania for at least two years prior to the time for taking his oath of office. But if he has practiced before a court of record of the State for five years, he may take the oath as district attorney as soon as six months after his admission to practice before either of the two higher courts. During his term of office, the district attorney may not hold any other office under the laws and constitution of the State except in the militia. His tenure of office was increased to four years by a constitutional amendment of 1909. He may be re-elected any number of times. Vacancies are filled by the court of common pleas to hold office for the unexpired portion of the original term. In case of a mere temporary absence from court of the district attorney, however, the court may appoint someone to perform his duties until the district attorney or one of his assistants arrives. Before assuming office, the district attorney takes an oath which is filed with the prothonotary.

The annual compensation of the district attorney in Lehigh County is fixed by law at \$6,000. The county must pay the expenses of the district attorney, his assistants, and any other officers under his supervision, and must supply him with an office at the county seat and necessary supplies, furnishings, and services. In addition, the county is obliged to provide him with a digest of the laws of Pennsylvania, and any books on evidence, criminal law, and criminal procedure which the district attorney selects and one of the judges approves. If the district attorney accepts "any fee or reward not prescribed for his official duties" or is willfully or grossly negligent, he is guilty of a misdemeanor. Upon conviction, he may be fined, imprisoned, and removed from office.



### **Functions and Records**

The district attorney signs all bills of indictment and conducts all criminal prosecutions in the name of the State. Without the approval of the court, he may neither enter *nolle prosequi* in a criminal case nor discharge a prisoner from custody. Before any trial, he must notify at least one person who is named by the defendant.

Whenever the district attorney finds that a person convicted in the county during the past two years is a fourth offender, he notifies the court. Action is then taken by the court in which the criminal was last found guilty.

The district attorney attends the sessions of the grand jury, acting as legal adviser for the grand jury and conducting the case for the persons bringing the charge. Whenever a person about to be discharged by the grand jury for want of prosecution seems insane, the district attorney prepares a new indictment to be considered by the grand jury in determining whether or not the person is sane.

A number of miscellaneous duties are given to the district attorney. He must make investigations of all applications for public dance hall licenses and may require the State Motor Police or any constable to help him in such investigations. The district attorney may forfeit or revoke any such licenses. The responsibility of beginning action against a negligent railroad employee belongs to the district attorney. He also transmits to one of the judges all papers relating to the proposed commitment of a child to an institution. The judge makes the final decision in the matter. The district attorney is also responsible for investigating cases of alleged fraud in elections. He must take possession of vehicles illegally carrying narcotics.

This officer is permitted to appoint various assistants. He may designate a first assistant district attorney at an annual salary of \$3,500 and three additional assistant district attorneys at \$3,000 each. In Lehigh County, it has been found necessary to employ only two assistant district attorneys. He may also employ an indictment and cost clerk. One or more stenographers, the combined salaries of whom may not exceed \$2,500, may be appointed by the district attorney.

The district attorney is permitted to appoint as many as five county detectives, at salaries determined by law. These officers have all the rights and duties possessed by constables in connection with crimes and criminal procedure. They perform any duties required by the district attorney and at his request make investigations and try to obtain evidence needed in any criminal case. In Lehigh County, it has not been

found necessary to employ any regular, full-time county detectives. Instead special detectives are hired whenever a need for them arises.

Fingerprint experts may be hired by the district attorney to assist in the investigation of pending cases and to testify when these cases come to trial. The district attorney may take the fingerprints of any inmate of the county jail and may require that the warden or any other person take such fingerprints. Files of the fingerprints of persons convicted of crimes and of well-known and habitual criminals are supposed to be kept by the district attorney, but in Lehigh County, these are kept by the Allentown City police department instead.

This officer must give any information requested by the State Board of Pardons, or the Department of Welfare. At the request of any prison warden, the district attorney is obliged to forward to him a criminal history of any designated criminal.

## **IX. GRAND JURY**

### **Evolution and Structural Organization**

The grand jury was an old Anglo-Saxon institution, brought to America by the English settlers and provided for in the earliest laws of Pennsylvania under William Penn. The Constitution of the United States as originally adopted contained no reference to the grand jury, but the omission was quickly noted and by popular demand a guarantee for it became part of the Bill of Rights which was soon inserted in the Constitution: "No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury." All Pennsylvania constitutions since that time have provided for it indirectly when they said: "No person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces or in the militia, when in active service in time of war or public danger, or by leave of the court for oppression or misdemeanor in office." Since all offenses are indictable in Pennsylvania, this article is all-inclusive.

A grand jury may have from twelve to 24 members, but no more than 23 are ever called, since a decision is made by twelve concurring votes, and with 24 jurors, there is a possibility of two conflicting results. At first jurors' names were drawn by the sheriff and county commissioners, but in 1867 the jury commissioners took over the duties of the county commissioners in this respect.

Grand jurors must be qualified voters of the county. They serve for one term of court, but if the judge deems it necessary, he may require them to appear a week earlier or remain for an additional week beyond the scheduled term. After a juror has served, his name may not be replaced in the jury wheel until a year has elapsed. Whenever an insufficient number of grand jurors are obtained, the judge may order that bystanders be summoned to serve as jurors. Grand jurors may be removed for cause only. Every juror must take an oath, and thereafter he is permitted to administer oaths to witnesses and other jurors. The compensation of jurors amounts to \$3 a day and mileage.

### **Functions and Records**

The functions of the grand jury are divided into two classes. It is primarily an accusing body, and as such is an intermediary between the

local magistrates and the court. In addition, however, it is an approver of certain public works and an inspector of the various county institutions.

In the first respect, its duty is to consider cases brought to its attention, in order to determine whether there is sufficient evidence to hold the accused person for trial. Cases are brought to the grand jury through either presentment or indictment. The former refers to the bringing up of cases from their own knowledge by members of the grand jury, while the latter method is by a written accusation "preferred to and presented upon oath by the grand jury." In case of introduction of cases by presentment an indictment always follows.

The sessions of the grand jury are strictly private, attended only by the person bringing the charge, the accused person, the district attorney, and witnesses summoned for the prosecution by the district attorney. Only evidence in favor of the prosecution is heard. The evidence is secured from the following sources: from the court, from the district attorney and his own witnesses, and from the jurors' own observations and investigations. Unlike Federal grand juries, and those of other States, a grand jury in Pennsylvania may not itself call in witnesses. The accused person may not be represented by counsel nor may he say anything in his own defense or bring in witnesses. No one may require that the jurors disclose what evidence they considered or how their vote stood. Witnesses called before the grand jury must give all information demanded unless it would incriminate them. But unless a witness admits that the reason for refusal to testify is fear of personal incrimination, he may be indicted for contempt of court.

When a grand jury finds a true bill, the case is held for trial. If no true bill is found, however, no appeal can ever be made from the actions of the grand jury. Whenever a person is dismissed by the grand jury as innocent, the grand jury decides whether the costs of prosecution are to be paid by the county or the person who brought the charge. If a person about to be discharged seems insane, the grand jury may investigate the matter, after which the court impanels a jury to investigate the person's sanity.

Approval by the grand jury and the court of quarter sessions is necessary before certain public works may be constructed and various changes made within the county. The grand jury must approve the establishment of new boroughs, as well as annexation of territory by any borough now in existence. Its consent must be given before any county road or bridge may be built, vacated, or removed. If a township or borough declares itself unable to afford the maintenance of any township or borough bridge, the grand jury investigates the matter and de-



cides whether it shall become a county bridge or remain in its present status. Grand jury and court approval must be secured for all expenses for repairs and alterations of the public buildings of the county. Neither a county home for children nor a shelter for vagrants may be established without the same approval. In the latter case, the grand jury fixes the amount which may be expended for a shelter. The grand jury and the court must also approve the construction of county sewers and disposal plants, as well as additions to the poorhouse and the construction of hospitals for infectious diseases. Before construction work may be undertaken for the abolition of a grade crossing, approval of the grand jury and the court must be secured. The same approval is necessary before a county bridge may be abandoned, removed, vacated or replaced, and before any land may be purchased for the county. A few actions require the approval both of the court and two successive grand juries. These include the construction or rebuilding of a workhouse or morgue, or the erection or completion of a soldiers' memorial.

## X. PRISON INSPECTORS

At first the sheriff of Lehigh County, under supervision of the court of quarter sessions, had almost complete supervision over the county jail. But with the completion of a new county prison in 1869, a special act was passed making detailed provisions for the government of the prison and placing it under a board of prison commissioners, made up of the three county commissioners and two "intelligent and reputable citizens" of the county appointed annually by the court of quarter sessions. A year later, the official title of the board was changed to "prison inspectors." Before taking office, the members must take an oath. Their compensation is set by law at \$50 a year.

The prison inspectors, a majority of whom constitutes a quorum, hold regular meetings once a month and special meetings whenever necessary. A minute book is kept of all their meetings. They annually select from their membership a president and a secretary, and appoint and fix the compensation of a warden, matron, and physician for the prison, and all other necessary employees with the exception of one underkeeper whom the warden is privileged to appoint. Any of the officers appointed by the prison inspectors may also be dismissed by them. The bonds of the warden and any other employees required to give bond are filed with the prison inspectors. With the approval of the court of quarter sessions, the inspectors make any necessary rules for the management of the prison which are not inconsistent with the laws of the State.

The prison inspectors are permitted to make orders on the county treasurer for any funds needed to care for the expenditures of the prison. They direct the manner in which all purchases for the prison are made and determine the kind and quality of food, clothing, bedding, and other supplies which are provided for the prison and its inmates.

Control over the employment of prisoners is another duty of the prison inspectors. The work must be done within the prison and its grounds, on the roads of the county, and on county-owned property. The board may compel any inmate, except those under death sentence, to perform this labor, and may employ as many extra guards as are necessary to watch them as they work outside the prison. The power of determining what materials, tools, and machinery are needed is vested in the prison inspectors, who fix the wages of inmates and arrange for the sale or other disposition of the products of their labor. They may

also establish a fund from which the purchase of machinery and materials for labor is financed and into which goes all money received from the sale of prison-made goods.

At least one of the prison inspectors must visit the prison once a week or oftener to see that the officers of the prison are faithfully and honestly carrying out their duties. On these visits, they must speak to each inmate without the presence of any of the officers of the prison, unless the presence of an officer is specifically requested. The warden may be required to furnish the inspectors with a calendar of the prisoners and of the cells to which they are assigned. The inspectors may question any person under oath or otherwise, and take affidavits relating to abuses and other matters within the scope of their duties.

Four times a year the prison physician makes a written report to the prison inspectors. Upon certification of the physician and upon order of one of the judges the court of quarter sessions, the prison inspectors may have any inmate of the prison transferred to a State hospital for the insane.

Once a year or oftener, the prison inspectors prepare a report for the court of quarter sessions. This report gives a general account of conditions at the prison and contains the number of prisoners, the age, sex, birthplace, time of commitment, and the offense for which each inmate was committed. Notice is made of all escapes, pardons, discharges, and deaths. The cause of death is given in each instance. Any other information is given which the inspectors believe to be of importance.

No article may be sold to a prisoner by an officer of the prison without permission of the prison inspectors. Moreover, no favors, leniencies, or mitigation of punishment may be accorded without the same permission. When an inmate is released from prison the prison inspectors may provide him with suitable clothing and a small sum of money.

**277. DOCKET (Minute Book), 1869—.**

4 vols. Minutes of meetings of the board of prison inspectors, showing date, time, and place of meeting; names of members present; nature of business transacted; and signature of secretary. Arr. chron. by date of meeting. No index. Hdw. Aver. 500 pp. 16 x 10 x 2½. 1 vol., 1869-84, attic strm. closet No. 21; 3 vols., 1885—, county prison off.

## XI. PRISON WARDEN

At first, the Lehigh County jail was under the direct supervision of the sheriff who also acted as warden. Any employees needed for the jail were appointed by the sheriff, subject to the approval of the court of quarter sessions. But with the completion of a new county prison in 1869, a special act was passed which placed supervision over the prison in the hands of a board of prison inspectors<sup>1</sup> which annually appoints the warden, physician, and matron, and most of the employees of the prison.

The prison warden must not at the same time be a tavern keeper. Before assuming office, the warden takes an oath which is filed among the records of the prison. He also posts a bond which is acknowledged before the recorder of deeds and filed with the prison inspectors. The warden's salary is fixed by the board of prison inspectors and at present amounts to \$2,200 a year.

The warden must reside in the prison and must not absent himself for a night without the written consent of one of the prison inspectors. He must receive into the prison all persons committed by any of the courts of the county, as well as United States prisoners, prisoners of war, and military offenders. He must keep a record of all Federal prisoners and war prisoners to form a basis for reimbursement by the Federal Government for the maintenance and care of these inmates.

Upon the arrival of every convict, the warden sees that he is questioned and examined on points which serve as marks of identification. A careful record, appended by the convict's signature, is made of this information. At the same time, the prison physician makes a thorough examination of the inmate, and a record is made of his findings. In addition, the warden keeps a journal in which he regularly enters all arrivals, discharges, deaths, pardons, and escapes, the complaints made, the punishments administered, the visits of prison inspectors and physicians, and all important occurrences in the prison. When the prison inspectors visit the prison, the warden may be required to furnish them with a list of the inmates and the cells to which they are assigned. The warden must also permit representatives of the State Department of Welfare to make periodic inspections of the prison. The warden must keep the effects of all inmates and return the property upon the release of their owners.

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<sup>1</sup> See chapter on Prison Inspectors.



Authority has been given to the warden to supervise the employment of inmates. He may assign to work on the roads any inmate except those under sentence of death.

Upon the written request of the district attorney, the warden may take the fingerprints of anyone in the county jail. He must furnish the Pennsylvania Motor Police, upon request, with the fingerprints, photograph, and description of any inmate. A record must be kept of all felons confined in the prison. This gives their descriptions, photographs, Bertillon measurements, as well as their criminal histories as taken from court records. The felon record is not open to the public, but it may be used as evidence in any subsequent trial. It is open to the inspection of any court officer, however.

The warden, with the approval of the prison inspectors, may appoint an underkeeper. The underkeeper may be dismissed by the warden at his own discretion or at the directions of the prison inspectors. All underkeepers make a daily report to the warden of the inmates of the prison. The matron informs the warden of all matters of importance occurring in respect to the female inmates.

All infractions of the rules of the county prison are reported by the warden to the prison inspectors. With the approval of one of the inspectors, the warden punishes all offenders in the manner directed by the rules of the prison. The warden is forbidden to allow spirituous liquors to be received by any inmate unless on a physician's orders. If he permits this, he is fined and removed from office.

A number of reports must be sent by the prison warden to other officials. He must prepare a quarterly report for the county commissioners giving numerous stipulated details, such as the list of inmates, the terms for which they are sentenced, and the court which committed them. A report of similar nature is made annually for certain State authorities. From 1847 until 1872 it was sent to the Secretary of the Commonwealth and since 1872 to the Secretary of Welfare. The warden also furnishes the county commissioners with a calendar of prisoners and the amount of work done by them. The warden of any prison to which an inmate is transferred or retransferred must give notice of that fact to the county commissioners of the county in which the prisoner was originally sentenced and the clerk of the court which sentenced him.

All the records of the prison warden are kept in his office.

**278. (PRISON REGISTER), 1869—.**

2 vols. (unlabeled), 58 f.d. (1-58). Record of prisoners committed and discharged, showing register no.; name, age, sex, color, occupation, marital status, physical description, nationality, habits, military, educa-

tional, and criminal records of prisoner; charge; sentence; name and address of nearest relative; name of committing official; and dates of commitment and discharge. Also contains: Convict Description Commitment Docket, 1915—, entry 279; Discharge Description Record, 1915—, entry 280; and Discharge Docket (Schedule of Personal Property), 1924—, entry 281. Arr. chron. by date committed and thereunder num. by register no., 1869-1915; arr. alph. by first letter of surname of prisoner, 1915—. No index. Hdw. on ptd. fm. Vols. aver. 600 pp. 16 x 14 x 4; f.d. 12 x 14 x 26.

**279. CONVICT DESCRIPTION COMMITMENT DOCKET, 1869-1915.**

2 vols. 1915— in (Prison Register), entry 278. Descriptive record of prisoners committed to county prison, showing date and register no.; name, address, alias, color, age, sex, birthplace, occupation, marital status, education, habits, mental and physical condition, and criminal and military records of prisoner; charge; sentence; and names of parents and committing official. Arr. chron. by date of commitment. No index. Hdw. on ptd. fm. Aver. 300 pp. 22 x 17 x 2.

**280. DISCHARGE DESCRIPTION RECORD, 1873-1915.**

1 vol. 1915— in (Prison Register), entry 278. Descriptive record of discharged prisoners, showing information as in entry 279, and also date of discharge. Arr. chron. by date of discharge. No index. Hdw. on ptd. fm. 450 pp. 20 x 14 x 2.

**281. DISCHARGE DOCKET (Schedule of Personal Property), 1870-1924.**

5 vols. Title varies: Prisoners Schedule Books, 1870-86, 1 vol. 1924— in (Prison Register), entry 278. Record of personal property taken from prisoners upon commitment, showing dates received and returned, itemized list of property, and signature of prisoner. Arr. chron. by date of discharge. No index. Hdw. on ptd. fm. Aver. 300 pp. 12 x 8 x 1½.

**282. MEDICAL REGISTER. 1900-1903.**

1 vol. Record of medical examinations of prisoners, showing register no.; name, age, sex, color, occupation, marital status, physical and mental condition, and birthplace of prisoner; if inoculated against smallpox; hereditary disease in family; name of physician; and dates of examination, commitment, and discharge or death. Arr. chron. by date committed. No index. Hdw. on ptd. fm. 500 pp. 17 x 14 x 2½.

**283. CONDUCT BOOK, 1873-82.**

1 vol. Report of the deportment of prisoners, showing register no., date, and conduct. Arr. chron. by date of report. No index. Hdw. 250 pp. 13 x 8 x ½.

**284. PUNISHMENTS, 1875-1902.**

1 vol. Record of punishments administered to prisoners, showing register no., date, name and sex of prisoner, nature of violation, and description of punishment. Arr. chron. by date of punishment. No index. Hdw. on ptd. fm. 450 pp. 13 x 8 x 2½.

**285. TIME BOOK, 1903—.**

5 vols. Record of work performed by prisoners, showing date, register no., name of prisoner, assigned occupation, days worked, rate, total time, and amount earned. Arr. chron. by days worked. No index. Hdw. on ptd. fm. Aver. 300 pp. 14 x 8 x 1½.

**286. (MONTHLY CENSUS REPORTS), 1935—.**

1 f.b. Copies of monthly census sent to State Department of Welfare of prisoners committed and released, showing date of report; name, address, age, sex, marital status, and occupation of prisoner; date, time, place, and by whom committed or released; total; and signature of warden. Arr. chron. by date of report. No index. Hdw. on ptd. fm. 10 x 5 x 14.

**287. QUARTERLY REPORT, 1875-94.**

1 vol. Quarterly record of all prisoners committed, showing register no.; name, age, color, sex, birthplace, and occupation of prisoner; dates of convictions and commitments; charges; sentence; previous convictions, names of committing and delivering officials, and date and manner of discharge. Arr. chron. by date of report. No index. Hdw. on ptd. fm. 450 pp. 19 x 14 x 2½.

**288. REGISTRY OF PRISON (Visitor's Book), 1882—.**

6 vols. Record of visits to inmates, showing register no., name and address of visitor, name of inmate receiving visitor, relationship, and date of visit. Arr. chron. by date of visit. No index. Hdw. on ptd. fm. Aver. 300 pp. 16 x 11 x 1½.

**289. GRAND JURY PRISON REPORT, 1913—.**

2 vols. Record of reports returned by grand jury relative to inspection of county prison, showing date, court term, findings, recommendations, names of jurors and foreman, and date filed. Arr. chron. by date of report. No index. Hdw. on ptd. fm. Aver. 250 pp. 16 x 10 x 1.

**290. MAINTENANCE ACCOUNTS, 1885—.**

14 vols. Record of purchases for the county prison, showing date, itemized account of commodities purchased, amount, and total for the

month. Arr. chron. by date of purchase. No index. Hdw. Aver. 300 pp. 14 x 8 x 1.

**291. COST RECORD CARPET DEPARTMENT, 1909—.**

4 vols. Record of accounts of county prison carpet weaving department, showing date, order no., quantity and cost of materials, total expense, sale price of finished product, and net profit. Arr. num. by order no. No index. Hdw. on ptd. fm. Aver. 150 pp. 14 x 17 x ½.

**292. APPROPRIATIONS, 1914-25.**

2 vols. Record of expenditures charged against appropriations allocated to county prison, showing date bill approved, name of creditor, purpose, amount, total appropriation, balance, warrant and appropriation nos., and date paid. Arr. num. by appropriation no. No index. Hdw. on ptd. fm. Aver. 300 pp. 19 x 12 x 1½.



## XII. PROBATION AND PAROLE OFFICE

The court of quarter sessions, by virtue of its jurisdiction over the less serious crimes and over neglected and dependent persons, has also been given supervision over probation and parole as these systems have been adopted in the counties. Since 1901, the court has been authorized to appoint probation officers to supervise neglected, dependent, and delinquent children. In 1909, a similar system was permitted to be applied toward adult first offenders who had been convicted of any but the most serious crimes. Two years later, the court of quarter sessions was permitted to release on parole under the guidance of a parole officer, persons who had been sentenced to the county jail. Supervision over paroled prisoners by county officers, however, has been greatly limited by the terms of an act of 1941 which established the State Board of Parole. In the Board exclusively is vested the authority to "parole and reparole," discharge from parole, and "commit and recommit for violations of parole all persons sentenced by any court in Pennsylvania to imprisonment in any institution in the State, whether State or county." This board appoints its own parole officers. In addition, any court, by special order, may give to the Board of Parole the exclusive power to supervise any person on probation. In 1913, an additional type of offender, a defendant in desertion cases, was allowed to be placed under probation officers.

In any county the court may or may not establish a system of probation and parole, as it sees fit. When it does appoint probation officers, it may place under the officers supervision over as many of the above functions as it chooses. In every instance, however, adult probation officers may have under their supervision persons of their own sex only.

In Lehigh County, the probation and parole office is staffed by four officers. The chief probation officer receives an annual salary of \$3,000 and his two assistants are paid \$1,666 and \$1,800 respectively. In addition, there is a female probation officer who receives \$1,200 a year. The chief probation officer and his assistants take charge of all men and boys on probation or parole, and the female probation officer has supervision over women and girls.

Probation officers must be "discreet persons and of good character." They are responsible only to the court of quarter sessions which appoints them and which may remove them at any time. An oath is taken by a probation officer before he assumes any of his duties. Their salaries are

determined by the court and paid by the county. The county also pays any expenses incurred in the performance of their duties.

The probation officers are required to perform any duties directed by the court of quarter sessions. They must attend court whenever any cases are heard concerning persons under their supervision, and they must endeavor to secure any information requested by the court. Their chief duty is to keep informed as to the condition and conduct of their charges. This is usually done by requiring persons on probation to report at stated intervals to a probation officer. Desertion probation officers may be required to collect support orders and deliver them to the designated recipients. The probation officers are required to keep any records which the court requires and to prepare any reports requested by the Department of Welfare.

Unless otherwise stated, records of the probation and parole officers are kept in their office.

**293. PAROLES, 1924—.**

2 f.b. Court orders granting parole to defendants, showing court term and case no., name of defendant, charge, sentence, dates of court order and parole, conditions of parole, and signatures of presiding judge and clerk of court. Arr. chron. by date of court order. No index. Typed. 10 x 5 x 14.

**294. PRISON DISCHARGE, 1934—.**

2 f.b. Petitions for discharge from county prison on probation, showing court term and case no., name of defendant, charge, term of sentence and time served, order of court, official seal and signatures, and date filed. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 10 x 5 x 14.

**295. JUVENILES, 1924—.**

1 f.b. Copies of court orders committing juvenile delinquents to an institution for observation, showing court term and case no., names of defendant and parents or guardians, nature of case, dates of court order and commitment, name and location of institution, and signatures of presiding judge and clerk of courts. Arr. chron. by date of court order. No index. Typed. 10 x 5 x 14.

**296. OPEN CASES FEMALE, 1926—.**

1 f.d. Active case histories of female juveniles and adults, showing date; name, address, age, sex, color, and date and place of birth of defendant; names and addresses of parents; nature of case; investigators'

findings; family history; mental and physical condition; and disposition. Arr. alph. by first letter of surname of defendant. No index. Typed. 10 x 12 x 22.

**297. (OPEN CASES BOYS), 1926—.**

1 f.d. Active case histories of juvenile boys, showing information as in entry 296. Arr. alph. by first letter of surname of juvenile. No index. Typed. 10 x 12 x 22.

**298. (CLOSED CASES FEMALE), 1926—.**

1 f.d. Inactive case histories of female juveniles and adults removed from active files upon termination of case, showing information as in entry 296, and also date case closed. Arr. alph. by first letter of surname of juvenile. No index. Typed. 10 x 12 x 22.

**299. (CLOSED CASES BOYS), 1926—.**

1 f.d. Inactive case histories of juvenile boys removed from active file upon termination of case, showing information as in entry 296, and also date case closed. Arr. alph. by first letter of surname of juvenile. No index. Typed. 10 x 12 x 22.

**300. NON-SUPPORT AND F(ornication) AND B(astardy) LEDGER, 1915—.**

25 vols., 1 f.d. Untitled, 1939—. Record of payments made by defendants in nonsupport and illegitimacy cases, showing names and addresses of defendant and beneficiary, court term and case no., nature of case, date and amount of court order, amount of bail bond, date and amount of payments, and balance due. Arr. alph. by first letter of surname of defendant. No index. Hdw. on ptd. fm. Vols. aver. 500 pp. 12 x 14 x 3; f.d. 10 x 12 x 22.

**301. CANCELED CHECKS, 1924—.**

36 f.d. (Dated and labeled by contained check nos.) Canceled checks issued by probation office in payment of illegitimacy and nonsupport cases, showing check no., date, name and address of beneficiary, amount, and signatures of probation officer and payee. Arr. chron. by date issued and thereunder num. by check no. No index. Hdw. on ptd. fm. 5 x 11 x 25. 25 f.d., 1924-35, attic strm. vlt.; 11 f.d., 1936—, off.

**302. COST STATEMENT, 1917—.**

5 vols. Title varies: Journal, 1917-23, 1 vol. Record of costs and fines levied in nonsupport and illegitimacy cases, showing court term and case no., name of defendant, amount of costs and fines, and date paid. Arr. chron. by date of payment. No index. Hdw. Aver. 350 pp. 14 x 9½ x 1½.

**303. (RECEIPTS), 1924—.**

9 f.b. (dated), 2 vols. (unlabeled). Duplicates of receipts issued in payments of support orders, costs, and fines, showing date, receipt no., name of payer, purpose, amount, and signature of clerk. Arr. chron. by date of receipt and thereunder num. by receipt no. No index. Hdw. on ptd. fm. F.b. 10 x 5 x 14; vols. aver. 150 pp. 15 x 8 x 1. 2 f.b., 1924-31, 1936, attic strm. vlt.; 7 f.b., 2 vols., 1924, off.

**304. CASH BOOK, 1924—.**

20 vols. (dated). Daily record of receipts and disbursements, showing dates and amounts of receipts and disbursements, source of receipts, purpose of expenditures, and names of payer and beneficiary. Arr. chron. by date of transaction. No index. Hdw. on ptd. fm. Aver. 350 pp. 11 x 14 x 2. 13 vols., 1914-35, attic strm. closet No. 47; 6 vols., 1935—, off.

**305. DAILY STATEMENT, 1928—.**

12 bdl. (dated). Record of daily complaints received for investigation by probation officer, showing date, names and addresses of complainants and persons to be investigated, and time and how complaint was received. Arr. chron. by date of statements. No index. Hdw. on ptd. fm. 10½ x 11 x 1.



### XIII. JURY COMMISSIONERS

At first, the names of the jurors to serve in the courts of Lehigh County were drawn by lot by the sheriff and the county commissioners. In 1867, however, the office of jury commissioner was established to take over some of these duties. There are two jury commissioners, who must be "sober, intelligent, and judicious persons." Each elector votes for one candidate for this office, and the two persons with the highest number of votes are elected. As a result, the county usually has one jury commissioner from each of the two major political parties. At first, the jury commissioners had a three-year term of office, but in 1909 their tenure was increased to four years. A jury commissioner may be re-elected for any number of terms. Vacancies are filled by the president judge for the remainder of the unexpired term. Before being permitted to draw any names from the wheel, each jury commissioner must take an oath. The annual compensation of each jury commissioner amounts to \$500.

At least thirty days before the opening of the first term of the court of common pleas the jury commissioners meet with the president judge. Any two of this group constitute a quorum. They select alternately from the list of the qualified voters of the county, those persons whose names are to go into the jury wheel. The names are placed in the wheel which is locked and given into the custody of the jury commissioners. The sheriff takes charge of the key. Later, the jury commissioners and the sheriff, or any two of these three, draw from the wheel the names which are to make up the jury panels.

The jury commissioners appoint a clerk to assist them in their work. Whenever they fail to name a clerk within thirty days after qualifying for office, one is selected for them by the county commissioners. A jury commissioner who does not perform the duties required of him must pay a fine of \$100.

#### **306. JURY COMMISSIONERS' DOCKET, 1851-1924, 1933—.**

10 vols. (dated). Title varies slightly. Record of grand and petit jurors drawn for jury service, showing court term; names, addresses, and occupations of jurors; and number of each type drawn. Arr. chron. by court term. No index. Hdw. on ptd. fm. Aver. 350 pp. 21 x 12 x 2½. 9 vols., 1851-1912, attic strn. closet No. 20; 1 vol., 1933—, sheriff's off.

## XIV. BOARD OF ASSESSMENT AND REVISION OF TAXES

The commissioners of Lehigh County have always had functions related to the assessment and levying of taxes. In 1842 the power of revising the assessments of property was given to the board of revision, an ex officio board consisting of the county commissioners and the associate judges. An amendment passed two years later, however, removed the judges from this board, which from that time was made up of the county commissioners alone. The county commissioners also supervised assessments, issuing precepts to the assessors, and receiving returns from them.

In 1943 the assessment functions of the county commissioners and the board of revision in all counties from the fourth to the eighth classes were transferred to a new agency, the board of assessment and revision of taxes.<sup>1</sup> This board, like the former board of revision, is composed of the county commissioners ex officio. It must appoint a chief county assessor, as well as enough assistant assessors, clerks and other employees to carry on its work effectively. The compensation of these employees is fixed by the board of assessment, and paid by the county.

The board meets and organizes by the selection of a chairman at the same time and place as the organization meeting of the county commissioners. It then meets from time to time at the call of the chairman or of any member. Its decisions are by majority vote and must be recorded in writing.

Within the limits of legislation, the board establishes the form of the assessment roll, and the order of listing of persons and property on the roll and in the tax duplicates prepared from it. It also adopts rules and regulations, not inconsistent with the law, to govern the chief assessor, his assistants and the locally elected assessors in making the assessment. These rules may provide for the use of tax maps, land value maps, and other maps and materials; for assessors' manuals and property record cards indicating the nature of improvements; and for the application of unit values to the information shown in such records.

The chief assessor, appointed by the board to serve at its pleasure and until his successor is appointed and qualified, is essentially the secretary and executive officer of the board of assessment. He keeps the minutes of its meetings, advises the board in the preparation of rules and regulations, and provides information for the board during appeal hearings,

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<sup>1</sup> Fourth to Eighth Class County Assessment Law, approved May 21, 1943.

which he is required to attend. Subject to the regulations made by the board, he supervises and directs the activities of the assistant assessors and other employees, and prepares or supervises the preparation of land value maps, tax maps, permanent record cards, and other maps, plans, surveys and records. He prepares an assessment roll in the form prescribed by the board. Before assuming office, he takes an oath which is recorded in the minutes. Local assessors, elected every four years in boroughs and townships, also take an oath which is filed with the board, and which may be administered by the chief assessor or by the members of the board.

On or before September first of each year, the chief assessor must prepare the assessment roll from the returns made by the local assessors, and must submit it to the board in the prescribed form. This assessment roll is a list of persons and property subject to local taxation, with the value placed upon each person. At the same time the chief assessor must submit a list of all property exempted from taxation. The assessment roll is then available for inspection by the public until the first of October, during the ordinary business hours of each business day; and the board must give notice to this effect in at least one and not more than three newspapers published in the county. In the same notice it must state that any person desiring to appeal from any assessment should file a statement in writing on or before November 15.

When the assessment roll is received from the assessor, the board has notices sent to all persons whose property or personal assessments have been changed. These persons then may appeal to the board for relief by filing a written statement of intention to appeal on or before October first. No person is permitted to appeal from any assessment unless he first files this statement of intention.

The board meets for the hearing of appeals after the first of October, until all appeals have been heard and acted upon, but not later than December first. Notices are sent to persons desiring to appeal, giving the date when their appeals will be heard. Hearings are open to the public, and any person may be represented by counsel. The board inquires into the equity of the appealed assessment in relation to other similar assessments, as well as into the proper value of what was assessed. It then may affirm, raise or lower the assessment. The order of the board is entered in its minutes, and a copy delivered within five days to the person who appealed. He may then appeal, within sixty days, to the court of common pleas by presenting a petition.

An appeal to the court of common pleas does not delay the collection of taxes, but if the assessment is reduced by court action, the excess is returned to the taxpayer. Furthermore, the taxing authority must



segregate 25 per cent of the tax paid under protest in a separate account, pending the court action. The board of assessment, or any person party to the appeal, may appeal from the decree of the court of common pleas to the Supreme or Superior Courts. County and municipal authorities, as well as school districts, disputing assessments which affect them, have the same right of appeal to the board and to the courts, and may take an appeal from any decision even though they were not parties to the proceedings before the decision was made.

After the board of assessment has heard all appeals and entered its orders, the chief assessor corrects the assessment roll accordingly. Then, he prepares three copies of the assessment roll, and delivers them on or before February first to the various taxing authorities, with a certificate that they are true copies. The clerk of the county commissioners receives one copy; the secretary of each board of school directors receives a copy of the part of the roll relating to assessments within that school district; and each borough or township secretary receives a copy of the part relating to assessments within each borough or township. Space to enter the taxes to be levied must be provided in these copies. On or before December fifteenth, the chief assessor must also certify to each political subdivision the value of real property, the value of occupations and the number of persons subject to personal taxes appearing in the assessment roll and taxable by these political subdivisions.

The county solicitor is counsel for the board, advises it as to its powers and duties and as to the rights of citizens, and appears for the board in all appeals taken to the courts.

Annually the board prepares and submits to the county commissioners an estimate of the expense it will incur in carrying out its work, and the county commissioners then appropriate the necessary funds for the payment of salaries, wages and other expenses.

## **Records**

The board of assessment has been given a number of functions hitherto carried on by the county commissioners, hence many records which it must maintain are essentially continuations of records kept by the commissioners. The enactment of the Assessment Law is comparatively recent, and it is likely that practice as to the keeping of records for this new office has not yet crystallized. As the board of assessment and revision of taxes is made up of the county commissioners, it is probable that some or all of the assessment records will be continued on the basis of former practice, as indicated in the chapter on the County Com-



missioners. The law, however, indicates the following records for this office:

Minutes of Board of Assessment and Revision of Taxes.

Assessment Roll, showing for each political subdivision the persons subject to taxation and the valuation of their occupations; owners, locations, descriptions and value of real estate, with improvements valued separately; and owners and valuation of personal property subject to taxation.

List of Tax-Exempt Property.

Assessors' Returns.

Oaths of Assessors.

Land Value Maps and Tax Maps.

Property Record Cards.

Annual Estimate of Expenses.

Recorder's Report of Land Transfers.

Record of Unseated Lands

Statements of Intention to Appeal.

The board of assessment and revision of taxes will presumably have custody of the records of the former board of revision:

**307. MINUTES OF BOARD OF TAX REVISION AND APPEAL, 1937—.**

1 vol. 1842-1936 in Commissioners Minute Book, entry 1. Minutes of the meetings of the board of tax revision, showing date and place of meeting, names of members present, business transacted, and attested signature of clerk. Arr. chron. by date of meeting. No index. Typed. 300 pp. 14 x 9 x 1. Comms. off.

## **XV. TREASURER**

### **Evolution and Structural Organization**

When Lehigh County was established, the treasurer was an appointee of the county commissioners, serving for a one-year term. In 1841 the treasurer became an elective office, with a two-year tenure, which was increased to three years by the terms of the Constitution of 1874 and to four years by an amendment of 1909. The treasurer must have been a citizen and a resident of the county for at least a year before his election. He is not eligible for re-election. Certain officials may not be county treasurer during their continuance in office. These include the judges, prothonotary, clerk of courts, register of wills, recorder of deeds, county commissioners, and controller. Vacancies are filled by the Governor, with an appointee who serves until a new treasurer is selected at the first municipal election taking place two or more months after the vacancy occurred.

An oath, which is filed with the prothonotary, is taken by the county treasurer before he may assume office. He also posts a bond, the amount of which is fixed by the county commissioners, as security for the faithful performance of his duties to the county. A second bond, with the security determined by at least two of the judges of the court of common pleas, is given for the performance of his duties toward the State. It is sent to the Auditor General, after having been recorded by the recorder of deeds. The treasurer receives a salary of \$5,000 a year.

### **Functions and Records**

The treasurer receives all moneys paid to the county and pays out all money disbursed by the county. He may pay out the county funds only on warrants drawn by at least two of the county commissioners and countersigned by the controller. All fees received by salaried officers are paid over to the treasurer. The treasurer makes a daily report to the county controller of all moneys received by him for the county, the persons to whom they were paid, and on what account.

This officer may not be in any way interested in a county contract. Any treasurer convicted of such activity is fined. It is also a misdemeanor, with similar resultant penalties, for the treasurer to use the county funds for any purpose other than that for which they were designated.

The county treasurer receives all State and county taxes from the local tax collectors. He is supposed to keep a Tax Collectors' Address Book which contains the name, address, and office hours of every tax collector in the county, the dates when taxes are due, and the periods when discounts and penalties are in effect. In Lehigh County, as in many of Pennsylvania's counties, this book is not kept, for the information designated for it is found in other tax collection records of the treasurer.

When the tax collectors settle their accounts with the treasurer, they must state under oath that their accounts are true and accurate. These oaths are administered by the treasurer and filed with the county commissioners. If a borough cannot procure the services of one of its residents as tax collector, the borough council may appoint as tax collector the county treasurer, who may name a deputy to perform these duties. A similar procedure may be followed when such vacancies occur in the second-class townships of the county. The treasurer reports once a month to every municipality and school district of the county, giving a detailed statement of all delinquent taxes, penalties, fines, and costs collected by him, and remitting the money due to the municipality or school district. The tax collectors send the treasurer reports of all delinquencies in county taxes.

In most of the counties of Pennsylvania, an important duty of the treasurer is to sell property upon which taxes have not been paid. In Lehigh County, however, this system was only begun in 1941. Prior to that year, tax claims were filed in the prothonotary's office where they remained as first liens against the property. The property was then subject to sale by the sheriff, just as all other property upon which execution proceedings are brought. Whether, in the future, the county will transfer all tax sales to the treasurer or whether the old system will be continued to be used in most cases is not known. But when the treasurer does sell property for taxes, the following procedure is used: When taxes remain unpaid for two years after they were levied, the treasurer prepares to sell the property. No sale may be held, however, later than five years from the date when the tax was first entered as a lien. The treasurer must inform the Secretary of Forests and Waters and the Secretary of Agriculture of all proposed sales of unseated lands. This is to give them an opportunity to buy them for their departments if they are interested. For three successive weeks prior to the sale, the treasurer advertises it in two newspapers of the county and gives written notice to the person in possession of the property. To secure the property, the purchaser must offer enough to pay the delinquent taxes, the



treasurer's fee, and the cost of advertising. Within two years after the sale, the original owners may redeem the property by repaying the amount given by the purchaser plus 15 per cent of the taxes which were due. At the first term of court after a treasurer's sale, the treasurer makes a report to the court of common pleas, after which the court confirms the sale nisi. The treasurer publishes notice of this fact and if exceptions to the sale are not filed within sixty days, or if there are no exceptions, the court confirms the sale absolutely, but if exceptions are made, the court decides whether or not they are to be sustained. After the sale, the treasurer gives a deed to the buyer. The treasurer may resell all land taken over by the county commissioners and not redeemed. A record of all land sold by him must be kept by the treasurer.

The treasurer is the agent for the State for the collection of certain license fees. These include license fees for hawkers and peddlers, dog owners, kennel keepers, fishermen, and hunters. They formerly included mercantile license taxes and the similar taxes on auctioneers, brokers, agents, and factors. From the gross amount of money received for the Commonwealth, the treasurer is entitled to deduct a definite commission. With the consent of the Department of Revenue, the treasurer may hire extra employees for work relating to the issuance of licenses. He keeps a special account book of moneys received for the State for licenses. The treasurer keeps a record of all fishing, hunting, dog and kennel licenses granted by him. Once a month the treasurer sends to the Department of Revenue a list of all the hunting and fishing licenses he has issued. When a person licensed to hunt or fish wishes to use firearms just for that purpose, he registers this fact with the treasurer who sends a copy of the registration to the Secretary of the Commonwealth. A report of all dog licenses granted is sent to the Department of Revenue.

The treasurer also grants licenses to gypsies who wish to camp within the county. Unlike most licenses, the money realized from this is for the use of the county rather than the Commonwealth. He also issues dance hall licenses in the townships and a special license to catch wild pigeons. Formerly he granted automobile licenses except in the city of Allentown. The treasurer collects those inheritance taxes received before the register of wills has filed his bond with the State.

During various periods of Pennsylvania history, the county treasurer had powers concerned with the issuing of liquor and tavern licenses. Until 1887 he issued such licenses to persons recommended by the court of quarter sessions. Between 1933 and 1937 the county treasurer



granted malt beverage dispenser licenses to retailers. Persons to whom he refused such licenses appealed to the court of quarter sessions. The treasurer testified at the hearing. No further appeal was possible. Now, however, these powers are vested in the Pennsylvania Liquor Control Board.

Until 1944 the treasurer had important duties in connection with the Mercantile License Tax system. This State tax, at first levied on vendors of foreign merchandise, and extended to all mercantile establishments in 1841, was based on the gross receipts derived from sales. The office of mercantile appraiser, for assessment of this tax, was first established in 1846. Originally, the appraiser was appointed by the county commissioners, but later the appointment was made by State officers, first the Auditor General and finally the Secretary of Revenue.

Every year before July first, the mercantile appraiser certified to the treasurer a correct list of everyone assessed with the mercantile tax. The treasurer and the mercantile appraiser together heard appeals of merchants aggrieved by the amounts which they were assessed. Further appeals were made to the court of common pleas. When a merchant refused to make out a return, the appraiser reported this to the treasurer who might require the merchant to appear before him, and to submit his books and accounts. The treasurer might issue subpoenas and attachments in connection with these duties. He sued for the collection of all mercantile license taxes still unpaid by September first. Similar powers were vested in the treasurer in connection with the license fees paid by brokers, agents, and other vendors of intangibles. When all appeals had been heard, the treasurer certified the corrected lists and sent them to the Department of Revenue.

In 1943 the mercantile license tax system was abolished as of January first, 1944. The term of the mercantile appraiser expired on the previous day, and his records were transferred to the county treasurer, for use in collecting outstanding delinquent taxes. The county treasurer is responsible for collecting these delinquent taxes, and for making monthly returns of tax moneys received, until and unless the Department of Revenue, with the approval of the Governor, determines to collect them directly.

The treasurer must keep an account of all moneys which he receives or disburses, including the receipts and expenditures of the county prison. On the first Monday of every month, he renders to the Department of Revenue a detailed return of all moneys received during the preceding month for the use of the Commonwealth. This report is made under oath, and at the same time the money due to the State

is paid over to the Department. The treasurer sends an annual report to the Auditor General of money received by him for the use of the county.

Every year on or before March 15, the treasurer reports to the Department of Revenue, showing the amount of outstanding indebtedness of the county as of January first of that year. This report also shows the interest rates and the dates when dividends are due. Whenever the county makes an interest payment, the treasurer must report the fact, giving any other information requested by the Department of Revenue.

The treasurer of Lehigh County, along with the commissioners and the controller, serves on the county sinking fund commission.

Unless otherwise stated, records of the treasurer are kept in his office.

### Taxation

(See also entries 4-25, 232-234, 335, 336)

#### **308. TAX COLLECTOR'S LEDGER, 1924—.**

4 vols. Record of treasurer's accounts with tax collectors, showing date, names of civil division and collector, amount of duplicate charged, type and amount of taxes returned, discounts, abatements, penalties, balance due, and total. Arr. alph. by name of civil division and thereunder chron. by date of return. No index. Hdw. on ptd. fm. Aver. 300 pp. 15 x 12 x 2.

#### **309. (BETHLEHEM SCHOOL TAX RECEIPTS), 1933—.**

3 vols. (dated). Copies of school tax receipts, showing date, receipt no., name and address of taxable, year and amount of tax, and signature of treasurer. Arr. chron. by date of receipt. No index. Hdw. on ptd. fm. 100 pp. 11 x 14 x 1/2.

#### **310. TREASURER'S DEEDS, 1941—.**

2 f.b. Deeds to properties sold for taxes, showing names of treasurer, former owner, and purchaser; location and description of property; amount of taxes and costs; and signatures of treasurer, witnesses, and purchaser. Arr. alph. by first letter of surname of purchaser. No index. Typed on ptd. fm. 10 x 5 x 14.

### Licenses

(See also entries 147-160, 210-216, 268, 269)

#### **311. RECORD OF STATE FUNDS, 1928—.**

2 vols. Record of receipts for State licenses issued, showing date, name of licensee, type and no. of license, amount received, total, treas-

urer's commission, and amount due Commonwealth. Arr. chron. by date of receipt. Indexed alph. by first letter of surname of licensee. Hdw. on ptd. fm. Aver. 400 pp. 18 x 14 x 2½.

**312. MERCANTILE LICENSE TAX RECEIPTS, 1937-43.**

190 vols. (labeled by contained license nos.). Copies of mercantile license tax receipts, showing date, no. and type of license, name and address of licensee, amount of fee, tax rate and total, tax year, bill and line nos., and signature of treasurer. Arr. num. by license no. No index. Hdw. on ptd. fm. Aver. 50 pp. 8 x 10 x ½.

**313. MERCANTILE APPRAISER'S LIST, 1933-34.**

7 vols. (dated). List of establishments subject to mercantile tax, showing tax year, civil division, receipt and bill nos., name and address of licensee, kind and volume of business, tax rate, fees, amount of tax, total for period, and signature of appraiser. Arr. alph. by first letter of surname of licensee. Indexed alph. by kind of business. Typed on ptd. fm. Aver. 125 pp. 14 x 9 x 1.

**314. LICENSE TAX RETURNS, 1941-43.**

2 f.b. Appraiser's returns of mercantile license tax, showing date, name and address of business, name of civil division, kind of business, gross yearly volume, tax rate, amount of tax, bill no., and signatures of notary and appraiser. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 10 x 5 x 14.

**315. LEDGER, 1912-15.**

1 vol. (dated). Record of liquor license fees received by treasurer, showing date, name of licensee, type of license, name of civil division, amount of fee, date paid, and amounts due Commonwealth, county and district. Arr. chron. by date of receipt and thereunder alph. by name of civil division. No index. Hdw. 172 pp. 14 x 9 x 1. Attic strm. closet No. 32.

**316. (FISHING LICENSES), 1941—.**

9 vols. (labeled by contained license nos.). Copies of resident and nonresident fishing licenses issued, showing license no.; dates of issue and expiration; name, address, age, and occupation of licensee; amount of fee; and signature of treasurer. Arr. num. by license no. No index. Hdw. on ptd. fm. Aver. 25 pp. 4 x 10 x ½.



**317. HUNTER'S LICENSE CERTIFICATES, 1940—.**

9 vols. (labeled by contained license nos.). Copies of resident and nonresident hunting licenses issued, showing license no.; dates of issue and expiration; name, address, age, occupation, citizenship status, and physical description of licensee; amount of fee; and signatures of licensee and treasurer. Arr. num. by license no. No index. Hdw. on ptd. fm. Aver. 20 pp. 6 x 18 x 1/2.

**318. DOG LICENSE CERTIFICATES, 1941—.**

13 vols. (dated and labeled by contained license nos.). Copies of licenses issued to owners of dogs, showing date; license no.; name and address of owner; sex, breed, age, and description of dog; amount of license fee; and signature of treasurer. Arr. num. by license no. No index. Hdw. on ptd. fm. Aver. 50 pp. 14 x 11 x 1/2.

**319. KENNEL LICENSES, 1927—.**

12 vols. (dated and labeled by contained license nos.). Copies of licenses issued to owners of dog kennels, showing date, license no., name and address of licensee, location of kennel, number of dogs housed, amount of fee, date of expiration, and signature of treasurer. Arr. chron. by date of issue. No index. Hdw. on ptd. fm. Aver. 30 pp. 6 x 12 x 1/2. 10 vols., 1927-36, comms. off.; 2 vols., 1937—, off.

**320. DOG LICENSE RECORD, 1919.**

1 vol. Discontinued. Record of dog and kennel licenses issued, showing name and address of licensee; breed, age, sex, and description of dog; location of kennel; number of dogs allowed; amount of fee; and dates of issue and expiration. Arr. chron. by date issued. No index. Hdw. on ptd. fm. 224 pp. 16 x 11 x 1 1/2. Attic strm. closet No. 32.

**321. TREASURER'S REPORT TO DEPARTMENT OF REVENUE, 1941—.**

1 f.b. Copies of monthly reports to State Department of Revenue of dog, fishing, and hunting licenses issued, showing dates of report and issuance of licenses, no. and type of license, name and address of licensee, amount of fees, and signature of treasurer. Arr. chron. by date of report. No index. Typed on ptd. fm. 10 x 5 x 14.

**322. PROVISIONAL FIRE ARMS PERMIT, 1941—.**

1 f.d. Triplicate copies of provisional permits to carry firearms in connection with the issuance of hunting and fishing licenses, showing date; name, address, and physical description of licensee; hunting or



fishing license no.; and make, caliber, and serial no. of weapon. Arr. chron. by date of issue. No index. Hdw. on ptd. fm. 4 x 6 x 10.

### Accounts

#### **323. TREASURER'S STATEMENTS, 1914—.**

29 vols. (dated). Copy of treasurer's daily statement to controller of receipts and expenditures, showing date, receipt and warrant nos., names of payer and payee, source and amount of receipts, purpose and amount of expenditures, daily totals, amounts of cash on hand and in banks, signature of treasurer, and date filed. Arr. chron. by date of statement. No index. Hdw. on ptd. fm. Aver. 500 pp. 14 x 9 x 3.

#### **324. TREASURER'S DAILY BALANCE, 1915—.**

28 vols. (dated). Daily balance sheet of receipts and expenditures of county funds, showing balance on hand and on deposit at beginning of day, amount of receipts from all sources, expenses for all purposes, and balance on hand and on deposit in the various depositories at the close of day. Arr. chron. by date of statement. No index. Hdw. on ptd. fm. Aver. 600 pp. 16½ x 13½ x 2½. 16 vols., 1915-27, 1935—, off.; 12 vols., 1927-35, personal property and assessment off.

#### **325. TREASURER'S BANK ACCOUNT JOURNAL, 1812-56, 1907-10, 1914—.**

14 vols. (2 vols. dated; 11 vols. unlabeled). Record of deposits and withdrawals from bank accounts, showing date, amount of deposit and from whom received, amount of withdrawals and to whom paid, totals and balance. Arr. chron. by date of deposit or withdrawal. No index. Hdw. on ptd. fm. Aver. 150 pp. 16½ x 10½ x 1. 3 vols., 1812-56, 1907-10, attic strm. closet No. 32; 11 vols., 1914—, off.

#### **326. (EXPENDITURES FOR POOR DISTRICT), 1931—.**

3 vols. (dated). Record of disbursements for poor board and institution district, showing date, amount, and purpose of expenditures; name of payee; check no.; and date paid. Arr. num. by check no. No index. Aver. 200 pp. 14 x 9 x 2. 1 vol., 1931-33, attic strm. closet No. 32; 2 vols., 1934—, off.

#### **327. TREASURER'S BOND LEDGER, 1867-83, 1907-10, 1914—.**

5 vols. (1 vol. dated; 4 vols. unlabeled). Record of county bonded indebtedness, showing date; amount of issue authorized and outstanding; purpose, type, denomination no., and maturity of bond; interest

rates and dates payable; and names of purchaser and commissioners. Arr. chron. by date of issue. Indexed alph. by first letter of surname of purchaser. Hdw. Aver. 300 pp. 14 x 9 x 1. 3 vols., 1867-83, 1907-10, 1914-21, attic strm. closet No. 32; 2 vols., 1922—, off.

### **Records of Former Mercantile Appraisers**

#### **328. MERCANTILE APPRAISER'S BOOK, 1941-43.**

88 vols. (labeled by name of civil division). Appraiser's record of establishments subject to mercantile tax, showing tax year; civil division; receipt and bill nos.; name and address of licensee; kind and volume of business; rate, fees, and amount of tax; and total for period. Arr. alph. by name of civil division. No index. Typed on ptd. fm. Aver. 120 pp. 5 x 10 x 1.

#### **329. LICENSE TAX BILL, 1941-43.**

106 vols. (labeled by contained bill nos.). Copies of statements of mercantile license tax due, showing date, bill no., name and address of licensee, type and volume of business, tax rate, fees, date and amount due, total, and signature of appraiser. Arr. num. by bill no. No index. Hdw. on ptd. fm. Aver. 100 pp. 8 x 10 x 1.

#### **330. LICENSE TAX RETURNS, 1941-43.**

54 bdl. Merchants' statements of yearly volume of business, showing year of return, bill and return nos., name and address of merchant, tax district, volume and type of business, and signatures of appraiser and merchant. Arr. alph. by name of tax district. No index. Hdw. on ptd. fm. 8 x 9 x 2.

## XVI. CONTROLLER

### Evolution and Structural Organization

During the first years of the existence of Lehigh County, the accounts of the county commissioners, treasurer, sheriff, and coroner were subject to inspection by three auditors who were elected annually. In 1814 their tenure was increased to three years, with one auditor replaced every year. The Constitution of 1874 made the auditors county officers and provided for the triennial election of all three auditors, with each elector voting for but two candidates, thus insuring representation of the minority party. A special act of 1814 directed that the auditors of Lehigh County also audit the accounts of the trustees of the Allentown Academy.<sup>1</sup>

An act of 1893 provided that in all counties with a population exceeding 150,000, the office of auditor be abolished and supplanted by a county controller who not only performs the duties of the auditors, but has additional supervision over the fiscal affairs of the county. Since 1913, all counties of more than 100,000 population have been required to abolish the office of auditor and elect a controller instead. Lehigh County had already reached this population and set up the office of controller in the following year.

For at least a year before his election, the controller must have been a citizen and a resident of the county. No one holding office under the Federal government may be a county controller until he has been out of office a year. This period is increased to two years before various county officials and their clerks may be controller. The officials thus limited include the commissioners, treasurer, prothonotary, register of wills, clerk of courts, recorder of deeds, sheriff, and district attorney. The controller may be re-elected any number of times. Vacancies are filled by the Governor, the appointee holding office until a new controller is chosen in the first municipal election to take place two or more months after the occurrence of the vacancy. Before assuming office, the controller takes an oath and posts a bond of \$20,000. He appoints a deputy whose compensation is fixed by the salary board. The controller receives an annual salary of \$4,000, and he and his assistants are also reimbursed for any expenses incurred in the performance of their official duties.

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<sup>1</sup> 1814 P. L. 129, sec. 7.

## **Functions and Records**

In the controller's office are kept a number of the important papers of the county. These include the bonds of all county officers except himself, the deeds and titles to county-owned property, and all canceled obligations of the county. The latter must be carefully speared to show they are invalid and carefully filed. A special register of cancelation is kept and a record is also made of the redemption of bond coupons by the county. When the county borrows money in anticipation of taxes already levied, notes are issued. After their redemption, the controller places them on file.

Every year the controller prepares an estimate of the probable expenditures of the county during the approaching year. This estimate is used by the county commissioners as a basis for the county budget which is adopted by the commissioners.

All bids received by the county are filed with the controller who also keeps on file and makes a record of all contracts entered into by the county. The controller may not be interested, either directly or indirectly, in any contract made under the authority of the county commissioners.

Every day the treasurer reports to the controller in detail all money received for the county. The controller keeps a record of all receipts given by the county. At least once a month, the controller reports to the commissioners the amount of money in the treasury. All bills and claims against the county must be examined and decided upon by the controller, who may require evidence under oath that such claims are legally due. If he finds that to be the case, he certifies that fact to the commissioners. The controller must countersign all warrants drawn on the county except those for payment of court expenditures which are under the control of the court alone. Such warrants are certified by the clerk of the court concerned and delivered by the commissioners to the controller. The controller keeps a record of all warrants issued by the county. He signs all liens for county taxes, levies, and assessments.

All papers relating to the financial affairs of the county are kept by the controller. He must keep a full and regular set of books, in which the double entry system of bookkeeping is used. It may embrace as many accounts as seem necessary, and there must be shown distinctly and separately all the county property, receipts, and expenditures, all debts and accounts due to the county, and the object for which every disbursement was made. The controller prescribes the form and manner in which the county officials keep their books and papers.



A number of the duties of this officer are those which he inherited from the county auditors and which relate to the auditing of the accounts of county officers and making a report to the court of common pleas covering the results of these audits. In this report is included a statement of the balance due to or from each officer. The controller has supervision over all the financial affairs of the county and over the accounts of anyone who collects, receives, or disburses county funds or is in any way entrusted with the management of such money. At any time, he may require from such officers a detailed written account. Whenever he discovers any default or delinquency, he reports it to the commissioners and the court of common pleas, taking immediate steps to obtain the money and remove the delinquent from office. The controller must also audit the accounts of the institution district and the probation officers, those of the county treasurer with the State Treasury, and those of each of the other officers who receive money for the use of the Commonwealth.

The controller may issue subpoenas to secure the attendance of any officer whose accounts are being adjusted, and of any other persons whom it is necessary to examine as witnesses. He is also authorized to compel the production of any relevant papers and to administer oaths to all persons testifying before him. Those who refuse to take the oath or to answer the questions may be committed to the county jail by the controller. If a person in possession of necessary books or papers refuses to present them, the controller uses the evidence received from witnesses in settling the accounts. The report of such an examination is filed with the court of common pleas and when it appears from it that the officer concerned is indebted to the county or the State, the report itself acts as a judgment against his real estate. The defaulting officer must also pay the cost of conducting the examination. Within a limited time, appeals from these reports may be taken to the court of common pleas by the county, the controller, or any taxpayer. Further action takes place before the Supreme or Superior Court.

Whenever the commissioners require it of him, the controller must give them a detailed account of any person with county funds under his control. The controller may demand that any officer make a quarterly statement which will show the amount of money on hand and the amount deposited in each bank. In order to verify these statements, the controller is empowered to examine all bank accounts of the officer in question.

A number of reports to other officers must be made by the controller in connection with his audit of the accounts of county officers. His reports to the court on the receipts and expenditures of the county dur-

ing the preceding year must be printed in newspapers published in the county and may be published in pamphlet form. The number and cost of these pamphlets are determined by the controller and commissioners. Moreover, the controller must make a report to the Department of Internal Affairs on the financial condition of the county. Whenever he adjusts the accounts of the county officers with the State, the controller makes a separate report to the court with a statement of the balance due to or from each officer. A certified copy of this report is transmitted to the Auditor General. A copy of the audit of the accounts of the probation officers is sent to the court of quarter sessions. The controller must send a report of the financial status of the institution district to the Department of Internal Affairs within sixty days after the close of each fiscal year. Taxpayers may come to the controller's office any day during office hours to receive information concerning the accounts of any county office. All the official papers of the controller are attested with the official seal which is given to him by the commissioners.

The controller serves in an *ex officio* capacity on the sinking fund commission and on the salary board. In addition to his deputy, the controller may appoint one or more clerks, the compensation of whom is fixed by the salary board. The controller of Lehigh County has two clerks. The controller may designate an attorney to act as his solicitor. The solicitor advises upon all legal matters submitted to him and conducts any litigation desired by the controller. He serves at the pleasure of the controller and receives whatever compensation the salary board decides upon. The controller and his solicitor are permitted to attend the meetings of the State Association of County Controllers. The county pays a limited amount for their expenses there.

Unless otherwise stated, records of the controller are kept in his office.

### Minutes

#### **331. COMMISSIONERS' MINUTES, 1936—.**

3 vols. (dated). Copies of minutes of commissioners' meetings, showing date, place of meeting, names of members present, nature of business transacted, resolutions made and passed; time of adjournment and of next meeting; and signature of commissioners' clerk. Arr. chron. by date of meeting. No index. Typed. Aver. 100 pp. 15 x 9 x 1. For original minutes, 1841—, see entry 1.

#### **332. INTER COUNTY BRIDGE ACCOUNTS, 1916—.**

1 f.b. Copies of minutes of meetings of inter-county bridge commission and accounts approved, showing date and place of meeting,

names of commissioners present, nature of business transacted, statement of expenditures for bridge maintenance, amount charged each county, and official signatures. Arr. chron. by date of meeting. No index. Typed. 10 x 5 x 14.

### Bonds

(See also entries 62, 98-101, 190, 191, 242-245)

#### 333. (BONDS OF COUNTY OFFICIALS), 1929—.

1 f.b. Bonds posted by county officials, showing name and title of officer, name and address of surety; date, amount, and conditions of obligation of bonds, official seal, and signatures; and date filed. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 10 x 5 x 14.

### Budget

#### 334. BUDGET, 1938—.

4 vols. (dated). Annual estimate of county departmental appropriations, showing year, names of officer and department, amounts of previous and present appropriations, and estimated receipts and expenditures. Arr. alph. by name of department. No index. Hdw. on ptd. fm. Aver. 20 pp. 12 x 9 x  $\frac{1}{8}$

### Taxation

(See also entries 4-25, 232-234, 308-310)

#### 335. TAX COLLECTORS LEDGER, 1914—.

4 vols. Record of tax collectors' accounts, showing names of civil division and collector; date and amount of tax duplicate; year, type, and amount of taxes collected; commissions; totals; and balance due. Arr. alph. by name of civil division. No index. Hdw. on ptd. fm. Aver. 350 pp. 17 x 12 x 2. 1 vol., 1914-21, attic strm. vlt.; 3 vols., 1922—, off.

#### 336. TAX SETTLEMENTS, 1916—.

20 bdl., 8 f.d. Title varies slightly. Settlement sheets of tax collectors, showing date, names of tax district and collector, names of additional taxables and those exonerated, amount of duplicate charged, type and total amount of tax collected, amount of exonerations, discounts, net amount of duplicate, collectors' commission, and signature of collector. Arr. chron. by date of report, 1916-28; arr. alph. by name of civil division, 1929—. Bdl. 14 x 8 x 4; f.d. 12 x 16 x 31. 20 bdl., 1916-28, attic strm. closets Nos. 37-42; 8 f.d., 1929—, off.



**Contracts****337. CONTRACTS AND AGREEMENTS, 1914—.**

7 f.d. (dated). Contracts and agreements for construction, supplies, and equipment, showing date; name of contractor; terms, conditions, and purpose of agreement; amount involved; and official seal and signatures. Arr. chron. by date of contract. No index. Typed. 5 x 12 x 16.

**Court Records****338. (COURT COST AND DISCHARGE CASES), 1917-35.**

5 vols. (dated). 1936— in Receipts and Expenditures Journal, entry 352. Record of court costs and discharged criminal cases, showing date; court term and case no.; names of defendant, witnesses, justice of the peace, and constable; costs; fines; fees; mileage; warrant no.; total amount; and date paid. Arr. chron. by date of payment. Indexed alph. by first letter of surname of alderman or justice. Hdw. Aver. 130 pp. 14 x 11 x 1. 2 vols., 1917-27, attic strm. closet No. 39; 3 vols., 1929-35, attic strm. vlt.

**339. CERTIFICATE OF COSTS, 1914, 1916—.**

15 bdl. and 1 f.b. (dated). Title varies slightly. Bills of costs of Commonwealth cases in quarter sessions court, showing court term and case no.; names of defendant, witnesses, justice of the peace, and constable; charge; amounts of mileage, and witnesses' and clerk's fees; total due; date entered; official seal and signatures; and date filed. Arr. chron. by court term. No index. Hdw. and typed on ptd. fm. Bdl. 8 x 4 x ½; f.b. 10 x 5 x 14. 9 bdl., 1914, 1916-20, 1923-29, attic strm. closets Nos. 38-41, 44; 6 bdl., 1921-25, 1930-35, attic strm. vlt.; 1 f.b., 1936—, off.

**340. COURT ORDERS AND VIEWERS REPORTS, 1934—.**

1 f.d. Reports filed by viewers appointed to appraise property damages incurred in road construction, showing court term and case no.; names of viewers, petitioners, and property owners; location and description of road; amount of damages; dates filed and approved; and official signatures. Arr. chron. by date filed. No index. Typed. 12 x 5 x 26.

**341. WITNESS FEES, 1916—.**

14 bdl. 2 f.b. (dated). Receipts for payment of witness fees in court cases, showing date, name of defendant, court term and case no.; number of days served, mileage, total amount received, and signature of



witness. Arr. chron. by court term. No index. Hdw. on ptd. fm. Bdl. 8 x 8 x 4; f.b. 10 x 5 x 14. 14 bdl., 1916-36, attic strm. closets Nos. 37, 38, 40, 43-46; 2 f.b., 1927—, off.

**342. REPORT OF THE GRAND JURY, 1932—.**

1 f.d. Reports of inspection of public institutions, showing court term, names and locations of institutions visited, findings, recommendations, signatures of jurors, and date presented to court. Arr. chron. by date of report. No index. Typed. 5 x 12 x 16.

**343. DEFENDANTS SUBPOENA, 1935-36.**

1 bdl. (dated). Subpoenas for witnesses, showing date, subpoena no., name and address of witness, court term and case no., date of trial, time of appearance, costs for service, and seal and signature of clerk of courts. Arr. chron. by date of subpoena. No index. Hdw. and typed on ptd. fm. 8½ x 3½ x ½. Attic strm. vlt.

**344. JUROR'S BILLS, 1916—.**

27 bdl. and 3 f.b. (dated). Bills for payment of jurors, showing date, court term, name and address of juror, number of days served, kind of jury, amount of fee, mileage, warrant no., total, date paid, and official signatures. Arr. chron. by date of payment. No index. Hdw. on ptd. fm. and typed. Bdl. 10 x 18 x 5; f.b. 10 x 5 x 14. 27 bdl., 1916-36, attic strm. closets Nos. 38, 40-46; 2 f.b., 1937—, off.

### Warrants and Vouchers

**345. WARRANT REGISTER, 1914—.**

21 vols. (dated). Title varies: Controllers' Record Book, 1914-36, 16 vols. Record of warrants countersigned by controller, showing date, warrant and appropriation nos., name of payee, amount, purpose, account charged, and date paid. Arr. chron. by date drawn. No index. Hdw. on ptd. fm. and typed. Aver. 200 pp. 15 x 10 x 1½. 16 vols., 1914-36, attic strm. closet No. 37; 5 vols., 1936—, off.

**346. COUNTY WARRANTS, 1914—.**

134 bdl. and 78 f.d. (dated and labeled by contained warrant nos.). Paid warrants and bills for county expenditures, showing date, warrant no., name of payee, purpose, and signatures of controller and payee. Arr. num. by warrant no. No index. Typed on ptd. fm. Bdl. 8½ x 11 x 3½; f.d. 5 x 12 x 16. 134 bdl., 18 f.b., 1914-30, 1932-33, attic strm.

closets Nos. 38-42, 44, 45; 28 f.d., 1931, 1934-36, attic strm. vlt.; 32 f.d., 1936—, off.

**347. PRISON WARRANTS, 1914—.**

18 bdl. and 21 f.d. (dated and labeled by contained warrant nos.). Paid warrants and bills for county prison expenditures, showing information as in entry 346. Arr. num. by warrant no. No index. Typed on ptd. fm. Bdl.  $8\frac{1}{2} \times 11 \times 3\frac{1}{2}$ ; f.d.  $5 \times 12 \times 16$ . 18 bdl., 10 f.d., 1914-33, attic strm. closets Nos. 38-45; 11 f.d., 1934—, off.

**348. COUNTY HOME WARRANTS, 1914—.**

75 bdl. and 167 f.b. (dated and labeled by contained warrant nos.). Paid warrants and bills for county home expenditures, showing information as in entry 346. Arr. num. by warrant no. No index. Typed on ptd. fm. Bdl.  $8\frac{1}{2} \times 11 \times 3\frac{1}{2}$ ; f.b.  $10 \times 5 \times 14$ . 75 bdl., 88 f.b., 1914-33, attic strm. closets Nos. 39, 40, 43-45; 47 f.b., 1934-35, attic strm. vlt.; 32 f.b., 1936—, off.

**349. TALBOT WARRANTS—COUNTY OUTDOOR RELIEF, 1932.**

25 f.b. (dated and labeled by contained warrant nos.). Paid warrants and bills for county outdoor relief, showing information as in entry 346. Arr. num. by warrant no. No index. Hdw. and typed on ptd. fm.  $10 \times 5 \times 14$ . Attic strm. closet No. 44.

## **Accounts**

**350. GENERAL LEDGER, 1916—.**

8 vols. (A-F; 2 vols. unlabeled). Record of accounts of county, showing date, receipts, expenditures, name of office or type of account, amounts, and daily and monthly totals. Arr. alph. by name of account. No index. Hdw. and typed on ptd. fm. Aver. 400 pp.  $12 \times 12 \times 4$ .

**351. ORDER TO PAY ELECTION OFFICERS, 1914-19, 1926—.**

22 bdl., 1 f.b. Payroll orders of election officers, showing data; names of election district, election officers, and office held; amount due each officer; type of election, number of votes cast; total amount of bill; signature of judge of election; approval of controller; and date paid. No obvious arr. No index. Hdw. and typed on ptd. fm. Bdl.  $8\frac{1}{2} \times 7 \times 1$ ; f.b.  $10 \times 5 \times 14$ . 20 bdl., 1914-19, 1926-36, attic strm. closets Nos. 40-46; 2 bdl., 1931-32, attic strm. vlt.; 1 f.b., 1937—, off.

**352. RECEIPTS AND EXPENDITURES JOURNAL, 1936—.**

6 vols. (dated). Contains:

- a. Expenditures, showing date; order, warrant, and account nos.; name of payee; purpose; encumbrances issued or liquidated; balance unencumbered; total amount paid; and previous and new balance.
- b. Receipts, showing date; bill and receipt nos.; account credited; name of payee; description; amounts billed, liquidated, and outstanding; total amounts of receipts; and estimated receipts required.

Also contains: (Court Costs and Discharge Cases), entry 338; and General Cash Book, 1937—, entry 353. Arr. alph. by name of payee. No index. Typed on ptd. fm. Aver. 400 pp. 15 x 16 x 2½.

**353. GENERAL CASH BOOK, 1914-36.**

2 vols. (A; 1 vol. unlabeled). 1937— in Receipts and Expenditures Journal, entry 352. Monthly record of receipts and expenditures, showing date, name of office, source and purpose, amount, total receipts and expenditures, and grand totals. Arr. chron. by date of recording. No index. Hdw. on ptd. fm. Aver. 150 pp. 12 x 18 x 2. 1 vol., 1914-25, attic strm. vlt.; 1 vol., 1926—, off.

**354. RECORD OF APPROPRIATIONS, COUNTY, 1914—.**

13 vols. (dated; 9 vols. also labeled A-I). Record of approbations of county offices and expenditures charged against them, showing name of office; date; appropriation and warrant nos.; amount and purpose of appropriations; name of payee; date, amount, and purpose of expenditure; totals; and balance. Arr. chron. by date paid, and thereunder num. by appropriation no. No index. Hdw. on ptd. fm. Aver. 400 pp. 18 x 12 x 2. 5 vols., 1914-25, attic strm. vlt.; 8 vols., 1926—, off.

**355. RECORD OF APPROPRIATIONS, COUNTY HOME, 1914—.**

7 vols. (dated; 3 vols. also labeled A-C). Record of appropriations for county home and expenditures charged against them, showing information as in entry 354. Arr. chron. by date paid and thereunder num. by appropriation no. No index. Hdw. on ptd. fm. Aver. 300 pp. 18 x 12 x 2½. 3 vols., 1914-26, attic strm. closet No. 40; 2 vols., 1918-26, attic strm. vlt.; 2 vols., 1927—, off.

**356. RECORD OF APPROPRIATIONS, PRISON, 1914—.**

9 vols. (dated; 2 vols. also labeled A, B). Record of appropriations for county prison and expenditures charged against them, showing in-

formation as in entry 354. Arr. chron. by date paid and thereunder num. by appropriation no. No index. Hdw. on ptd. fm. Aver. 400 pp. 18 x 12 x 3. 4 vols., 1914-26, attic strm. vlt.; 5 vols., 1927—, off.

**357. (INSTITUTION RECEIPTS AND EXPENDITURES), 1937—.**

1 vol. Record of receipts and expenditures of county institution district, showing date, receipt and warrant nos., amount, source of receipt, purpose of expenditure, names of payer and payee, and totals. Arr. chron. by date of transaction. No index. Typed on ptd. fm. 75 pp. 14½ x 10 x 1½.

**358. COUNTY HOME BOARDING AND MAINTENANCE CONTROL, 1932-36.**

1 loose-leaf vol. (dated). Discontinued. Record of payments made for maintenance of inmates at county home, showing date, name of inmate, name and address of payer, rate per week, amount, and totals. Arr. alph. by first letter of surname of payer. No index. Hdw. on ptd. fm. 200 pp. 7 x 5 x 1. Attic strm. vlt.

**359. SHERIFFS ACCOUNT OF FEES, 1937—.**

1 vol. Record of moneys received and fees earned by sheriff's office, showing date of receipt, source, kind of service performed, amounts, and totals. Arr. chron. by date of receipt. No index. Typed. 150 pp. 19 x 15½ x 2.

**360. PUBLIC OFFICE FEES, 1924-30.**

1 vol. (dated). Record of fees collected by county officials, showing date, amount, and purpose of fee; type of service rendered; name of official; and daily and monthly totals. Arr. chron. by date of receipt. Indexed alph. by first letter of surname of official. Hdw. 135 pp. 14 x 11 x 1.

**361. REQUISITIONS, 1914-35.**

6 bdl. (4 bdl. dated; 2 bdl. unlabeled). Copies of requisitions for supplies and equipment, showing date, order no., itemized list of materials or supplies, quantity, name of county office, by whom ordered, and official signatures. Arr. chron. by date of requisition. No index. Hdw. on ptd. fm. 8½ x 11 x 6. 4 bdl., 1914-24, 1926-35, attic strm. closets Nos. 38, 40, 44, 45; 2 bdl., 1925, attic strm. vlt.

**362. (COUNTY CANCELED CHECKS), 1936—.**

8 f.d. (dated). 1914-35 in (Canceled Checks), entry 365. Returned checks issued for payment of county expenditures for salaries, supplies,



and equipment, showing date issued, check and voucher nos., names of bank and payee, purpose, amount, signatures of treasurer and controller, endorsement, and date of cancelation. Arr. num. by check nos. No index. Typed on ptd. fm. 5 x 12 x 17.

**363. COUNTY HOME CANCELED CHECKS, 1938—.**

3 f.d. (dated and labeled by contained check nos.). 1914-37 in (Canceled Checks), entry 365. Returned checks issued in payment of county home expenditures, showing information as in entry 362. Arr. num. by check nos. No index. Typed on ptd. fm. 5 x 12 x 17.

**364. COUNTY PRISON CANCELED CHECKS, 1934—.**

4 f.d. (dated and labeled by contained check nos.). 1914-33 in (Canceled Checks), entry 365. Returned checks issued in payment of county prison expenditures, showing information as in entry 362. Arr. num. by check nos. No index. Typed on ptd. fm. 5 x 12 x 17.

**365. (CANCELED CHECKS), 1914-37.**

41 f.d. (dated). Returned checks issued for all county expenditures, showing information as in entry 362. Also contains: (County Canceled Checks), 1914-35, entry 362; County Home Canceled Checks, entry 363; and County Prison Canceled Checks, 1914-33, entry 364. Arr. num. by check no. No index. Hdw. and typed on ptd. fm. 6 x 10 x 18. 31 f.d., 1914-33, attic strm. closets Nos. 40-43, 45; 10 f.d., 1934-37, attic strm. vlt.

**366. RECORD OF OUTDOOR RELIEF, 1920-33.**

10 vols. (5 vols. dated; 5 vols. unlabeled). Discontinued. Record of outdoor relief orders granted, showing name and address of recipient, date of payment, amount and type of aid, order no., amount of weekly allowance, and date of termination. Arr. chron. by date of payment. Indexed alph. by first letter of surname of recipient. Hdw. on ptd. fm. Aver. 500 pp. 11 x 8½ x 3. Attic strm. closets Nos. 38, 44.

**367. MISCELLANEOUS TREASURER'S RECEIPTS, 1914-19, 1921-23, 1936—.**

14 bdl., 1 vol., and 20 f.b. (dated). Duplicates of receipts issued by treasurer for payment of miscellaneous items, showing date, receipt no., name of payer, amount, source, and signature of treasurer. Arr. chron. by date of receipt. No index. Hdw. and typed on ptd. fm. Bdl. 7½ x 3 x 4; vol. 150 pp. 14 x 10 x 1; f.b. 10 x 5 x 14. 7 bdl., 1 vol., 6 f.b., 1914-19, 1936-38, attic strm. vlt.; 7 bdl., 1 f.b., 1920-25, 1927-29, attic strm. closets Nos. 37-39, 41; 13 f.b., 1933—, off.

**Reports****368. TREASURER'S MONTHLY STATEMENTS, 1929—.**

1 bdl. (unlabeled), 1 f.b. (dated). Treasurer's monthly report of receipts and expenditures, showing date, receipt and warrant nos., names of payee and payer, source and purpose, amount and monthly total, and signature of treasurer. Arr. chron. by date of report. No index. Hdw. on ptd. fm. Bdl.  $13\frac{1}{2} \times 8\frac{1}{2} \times 3$ ; f.b.  $10 \times 5 \times 14$ . 1 bdl., 1929-34, attic strm. vlt.; 1 f.b., 1935—, off. vlt.

**369. COUNTY TREASURER'S DAILY REPORT, 1940—.**

1 loose-leaf vol. Treasurer's daily report of receipts and expenditures, showing information as in entry 368. Arr. chron. by date of report. No index. Hdw. on ptd. fm. 100 pp.  $14 \times 10 \times 1$ .

**370. (MONTHLY STATEMENT OF PRISON WARDEN), 1917—.**

23 bdl. and 1 f.b. (dated). Monthly report of prison warden, showing date, number of inmates, dates of admission, average daily discharges, daily and monthly expenditures, amounts, purpose, inventory of material on hand, and signature of warden. Arr. chron. by date of report. No index. Typed on ptd. fm. Bdl.  $14 \times 9 \times 1\frac{1}{2}$ ; f.b.  $10 \times 5 \times 14$ . 16 bdl., 1917-30, attic strm. closets Nos. 37-42; 7 bdl., 1930-33, attic strm. vlt.; 1 f.b., 1934—, off.

**371. CORONERS INQUEST, 1922-32, 1936—.**

12 bdl. (dated). Title varies: Inquisitions, 1932, 1936-37, 3 bdl. Reports of coroner's inquests, showing date and place of inquest; name, address, age, sex, occupation, marital status, and date and place of death of deceased; names of jurors and witnesses; findings; itemized cost; and official signature of coroner. Arr. chron. by date of inquest. No index. Hdw. and typed on ptd. fm.  $14 \times 9 \times 2$ . 8 bdl., 1922-32, attic strm. closets Nos. 37, 38, 41-44; 2 bdl., 1936-37, attic strm. vlt.; 2 bdl., 1938—, off.

**372. STATEMENT OF COUNTY HOME, 1932—.**

2 bdl. and 1 f.b. (dated). Title varies: County Home Accounts, 1932-33, 2 bdl. Monthly statement of accounts of county home, showing date, itemized list of receipts and expenditures, dates paid, totals, and signature of steward. Arr. chron. by date of report. No index. Hdw. and typed. Bdl.  $13 \times 8\frac{1}{2} \times 3$ ; f.b.  $10 \times 5 \times 14$ . 2 bdl., 1932-33, attic strm. vlt.; 1 f.b., 1934—, off.

**373. FEES OF OFFICERS IN COURT HOUSE, 1914—.**

26 bdl., 2 f.b. Monthly reports of fees received by recorder of deeds, prothonotary, register of wills, treasurer, and clerks of orphans' court and quarter sessions court, showing date, amount of fees, name of office, purpose, date paid, and signature of county officer. Arr. chron. by date of report. No index. Hdw. and typed on ptd. fm. Bdl.  $8\frac{1}{2} \times 4 \times 4$ ; f.b.  $10 \times 5 \times 14$ . 26 bdl., 1934-36, attic strm. closets Nos. 37-40, 42; 2 f.b., 1937—, off.

**374. STATEMENT OF DEPUTY SHERIFF'S FEES AND RECEIPTS, 1922-23, 1925-36.**

14 bdl. (dated). Statement of expenses paid to special deputy sheriffs for court service, showing date, court term, name of court, days served, amount of fees, totals, and official seal and signatures. Arr. chron. by court term. No index. Hdw. on ptd. fm.  $9 \times 4 \times 1$ . 1 bdl., 1922, attic strm. vlt.; 13 bdl., 1923-36, attic strm. closets Nos. 37, 38, 41-46.

**375. CONSTABLES VISITING LICENSED PLACES, 1916—.**

8 bdl. (dated). Discontinued. Returns of constables covering law violations and receipts for payment of fees for filing report, showing date, names of constable and civil division, number and type of violations, names of violator and witnesses, amount of expense, official signatures, and date filed. Arr. chron. by date of report. No index. Hdw. and typed on ptd. fm.  $9 \times 5 \times 2$ . Attic strm. closets Nos. 38-40.

**376. TREASURERS FEES MERCANTILE LICENSE TAX, 1924-25.**

2 bdl. (dated). Treasurer's monthly statement to controller of fees received for issuance of mercantile licenses, showing date, license no., name and address of licensee, type of license, amount, total for month, and signature of treasurer. Arr. chron. by date of report. No index. Hdw. on ptd. fm.  $8\frac{1}{2} \times 7 \times \frac{1}{2}$ . Attic strm. closet No. 39.

**377. CONTROLLERS ANNUAL REPORT, 1925, 1932—.**

12 bdl. (10 bdl. dated; 2 bdl. unlabeled). Copies of controller's annual reports of the financial transactions of the county, showing date, name of office, amount of receipts and expenditures, source or purpose, totals, and balances. No obvious arr. No index. Ptd.  $20 \times 19 \times 2\frac{1}{2}$ . 7 bdl., 1925, 1934-38, attic strm. vlt.; 4 bdl., 1932-33, attic strm. closets Nos. 44, 45; 1 bdl., 1939—, off.

**Miscellaneous****378. MISCELLANEOUS PAPERS, 1937—.**

3 f.d. (dated). Miscellaneous legal papers, showing date and character of paper, names of parties, official seals and signatures, and date filed. Arr. chron. by date filed. No index. Hdw. and typed. 5 x 12 x 17.



## XVII. SINKING FUND COMMISSION

Provision for the establishment of a sinking fund commission in any county was made in 1911. In a fourth-class county, such as Lehigh, the commission is composed of the county commissioners, the controller, and the treasurer. None of these officials receives any additional compensation for his services as a member of the sinking fund commission. In Lehigh County, the commission was set up in 1929.

The county must maintain a sinking fund managed by the sinking fund commission, to provide for the retirement of all outstanding general obligation bonds of the county. The county treasurer pays into the sinking fund all moneys received for this purpose from taxes and other sources. With these funds, the commission buys back the outstanding bonds of the county. All county bonds held by the sinking fund commission must be stamped conspicuously to show that they have been purchased for that purpose, and they must never be reissued or sold. Interest is paid on bonds held by the sinking fund commission only when the money is needed to retire maturing county bonds. County bonds in possession of the sinking fund commission are canceled immediately on their maturity. In general, the commission should attempt to retire the bonds in chronological order. Whenever any new bonds are issued by the county, the sinking fund commission may invest the uninvested balance of the sinking fund in the purchase of such bonds. The commission must not, however, expend so much money for this purpose that not enough remains to pay for any bonds which will mature during the fiscal year and which the commission wishes to cancel rather than to sell.

All moneys received by the sinking fund commission must be deposited immediately in the banks or banking institutions which are designated as county depositories. Any interest received on such deposits may be used for the reduction of the amount needed for sinking fund purposes. The commission may use the county allotment of the Liquid Fuels Tax Fund to pay sinking fund charges on all bonds issued or used for highway or bridge purposes.

### 378A. MINUTE BOOK, 1929—, 1 vol.

Minutes of meeting of sinking fund commission, showing date, place and time of meeting, names of members present, business transacted, and signature of clerk. Arr. chron. by date of meeting. No index. Typed. 200 pp. 14 x 9 x 1. Comms. off.

## **XVIII. SALARY BOARD**

A salary board, consisting of the county commissioners and the controller, was established in counties of over 150,000 population by the terms of an act of 1876. A similar act, passed in 1921, set up such a board in fifth-class counties. Since Lehigh County was then a fifth-class county, the board was established there at that time. The purpose of the salary board is to determine how many assistants a county officer may employ, and the compensation of each assistant. The salary board of Lehigh County as originally constituted had authority over the offices of sheriff and controller only. Two years later it was given similar powers over the offices of treasurer, county commissioners, prothonotary and the clerks of the other courts, register of wills, recorder of deeds, and jury commissioners. In 1927, the coroner's office was placed under these provisions. Since 1930, Lehigh has been a fourth-class county, and has therefore come under the terms of the original act of 1876. It provides that the salary board have control over the number and salaries of the assistants of all elected and appointed officers of the county, unless they are fixed by law or directed by law to be determined in another manner.

The salary board meets on the first Monday of January and at any other time when matters are to be brought before it. It keeps minutes of all its proceedings. Whenever the board meets to consider the assistants of a specific county officer, that officer becomes a member of the board, and may cast his vote when the decision is made. All actions are decided by a majority vote. Any officer who considers himself aggrieved by the decision of the salary board may appeal to the court of common pleas, the decision of which is final.

### **379. MINUTES OF THE COUNTY SALARY BOARD, 1937—.**

1 vol. 1923-36 in Commissioners Minute Book, entry 1. Minutes of meetings of salary board to determine number and compensation of county employees, showing date and place of meeting, names of members present, business transacted, and attested signature of clerk. Arr. chron. by date of meeting. No index. Typed. 300 pp. 14 x 9 x 1. Comms. off.

## **XIX. REGISTRATION COMMISSION**

### **Evolution and Structural Organization**

At first, the elected inspectors of election administered an oath to every prospective voter whose right to cast a vote was questioned. Anyone who refused to take the oath was not permitted to vote. The county commissioners provided the local election officials with a list of the taxpayers of the district. This list was used for passing upon the qualifications of electors. Provision was made for marking the tax list to indicate that a person had voted. After 1840, the regular tax assessors were required to prepare annually a register of voters and to check on each household to see that the persons whose names were on the tax list actually resided there and were entitled to vote. Applications from persons whose names were omitted from the register might be made in person to the assessor at various times. Beginning in 1874, special registry assessors were elected to perform these duties in most of the municipalities of the county.

In 1906, a new system began to be used in Allentown, the only third-class city of Lehigh County. Registration was made in person before registrars. Every year the prospective voters were obliged to reappear and reregister on one of the appointed registration days. The county commissioners appointed two registrars for each ward or election precinct of the city. In 1935 this practice was replaced in all third-class cities by a system of permanent registration of voters. Registration in these cities was placed under the control of the registration commission, composed of the county commissioners who receive no extra compensation for their services in this capacity. Two years later, this system was extended to the boroughs and townships of the county as well.

### **Functions and Records**

The permanent registration of electors is carried on under the supervision of the commission which may appoint registrars to aid in the work. The number of registrars and their compensation are determined by the salary board, and county employees may be required to act in this capacity without additional remuneration. Registration may take place at the office of the commission at any time, except during a designated period just before, during, and after the primaries and elections.



Two or more registrars must be sent at least twice a year to each city in the county to register prospective voters. At its own discretion or upon petition of at least 100 qualified electors of a given borough or township, the commission arranges for a registration within the municipality concerned. Polling places, schools and municipal buildings may be used for this purpose.

In order to register, a person must be a citizen of the Commonwealth, at least 21 years of age, a citizen of the United States for one month, and a resident of the State for one year and of the district for two months before the election at which he wishes to vote. Residence of six months is sufficient for a formerly qualified elector. The person desiring to register subscribes to a registration affidavit, and his answers to questions are entered on cards, the wording of which is stipulated by law and the form prescribed by the Secretary of the Commonwealth. These are filled out in duplicate for each applicant. The originals are placed in the District Register and the duplicates in the General Register. The former consists of the cards from the election district, and the latter of all cards from the county. The cards are arranged alphabetically on each register and kept at the office of the commission. The General Register may be removed only upon order of the court, but the District Registers are open to public inspection, and are removed to the respective polling places for each primary and election. Naturalized citizens and persons deriving citizenship from a naturalized parent must produce the proper naturalization papers when registering. If unable to procure the necessary papers, they make an affidavit as to the facts. This is returned to the commission with their registration affidavits. When an applicant's registration card has been partially filled out before the application is rejected, the card is removed from the General Register and the District Register and preserved for two years. Employees of the State or Federal Government and members of their families who are, by the fact of that employment, absent from the city or county, must file with the registration commission a certificate from the head of the State or Federal Department where they work. These certificates are filed with the commission and a note is made on the registration cards. At least once in every two years, the commission verifies the continuance of employment of everyone so registered. Qualified electors in military service need not register in order to vote.

At the various registrations, any elector may change his political affiliation. Transfer of registration within the county is effected merely by sending a removal notice to the commission before a designated date prior to the primary or election at which one wishes to vote. A person changing his address within his election district may prepare his re-



removal notice when he appears to vote. All such removal notices are sent to the commission by the local election authorities. The commission then changes its records accordingly. The registration commission hears appeals of rejected applicants.

Various methods have been prescribed to insure the continued accuracy of the registers. Once a week the local registrars of vital statistics report to the commission all deaths within the county of persons over twenty years of age. At the request of the commission, public service companies and municipalities furnishing gas and electricity to householders report in writing from time to time, the names of persons whose service has been discontinued and the changes of address if these are known. Within thirty days before every primary and election, the commission corrects the general and district registers from the information which has been received.

The registration commission is required to make a checkup of registration at least once in four years, either by notices mailed to registrants, by required reports from postmen, or by visits of an inspector to each building from which an elector is registered. Inspectors, like registrars, are appointed by the commission. When an investigation by any of these methods seems to show that the registrant is not located at the address from which he has registered, his registration is canceled unless he proves his right to it. In years when a checkup of electors is conducted, the commission does not have to examine the registers for the purpose of bringing them up to date.

The commission may correct its records without requiring any action of a registered voter when the elector's address has been changed by the renaming of a street, the renumbering of a house, or the changing of a post office, and when an elector has been transferred to another election district through a change in election district boundaries.

The registration commission is obliged to prepare street lists for the use of various interested groups. These are lists of registered voters arranged by street and house number.

The registration commission delivers the locked District Registers to the district election officers on election days. Any person whose card is in the register and who signs the voter's certificate with a signature which appears the same as that on the voter's card in the register may vote unless the election officers are satisfied that he has moved from the district or given or received an election bribe. The voters' certificates are placed in a locked binder known as the Voting Check List. After the election, the judge of elections takes the Voting Check List and the District Register to the registration commission. The commission examines the contents of both, and reports any indication of fraud to

the district attorney. It may subpoena witnesses, question any person concerning registration matters, and require the production of relevant books and papers. Any member of the commission may administer oaths to persons testifying before the commission.

Before the board of elections meets to compute and canvass returns, the registration commission must certify to it the total registration of each election district. After the primaries it must provide the board with the enrollment by political parties. The board compares these figures with the number of ballots cast to determine whether fraud has been practiced.

Within three weeks after each general or municipal election, the registration commission sends a notice to everyone who has not voted for two years. His registration will be canceled unless he files with the commission a written request for reinstatement. Reinstatement, after cancelation has occurred, takes place when the applicant follows the procedure of his first registration.

Also shown with the records of this commission are certain records of registration kept by the county commissioners prior to the establishment of the registration commission. These include the registry lists for the boroughs and townships as prepared by the assessors, and the books containing similar facts for the third-class cities of the county.

The commission may make any rules and regulations dealing with registration which are not inconsistent with the laws of the Commonwealth. It may appoint employees, including registrars, inspectors, and a chief clerk, and the members of the commission may themselves perform the functions of registrars and inspectors. All funds to maintain the registration commission are secured from appropriations made by the county commissioners, who also provide it with funds for suitable offices and supplies. The commission must permit watchers and attorneys for each candidate to attend its sessions and be present at the registration of electors. Appeals from the decision of the commission are taken to the court of common pleas.

All records and documents of the commission are open to the public. Any record not essential for maintaining the current status of any qualified voter may be destroyed by the commission after three years.

Unless otherwise stated, records of the registration commission are kept in the commission's office.

### **380. MINUTES OF THE COUNTY REGISTRATION COMMISSION, 1937—.**

1 vol. Minutes of meetings of registration commissioners, showing date and place of meeting, names of members present, nature of busi-

ness transacted, and signature of clerk. Arr. chron. by date of meeting. No index. Typed. 300 pp. 14 x 9 x 1.

**381. GENERAL REGISTER (Allentown and Bethlehem), 1935—.**

51 vols. (labeled by contained letters of the alphabet). Duplicates of permanent registration cards of qualified electors residing in Allentown and West Bethlehem compiled for office reference, showing information as in entry 383. Arr. alph. by first letter of surname of voter. No index. Hdw. on ptd. fm. Aver. 600 pp. 16 x 12 x 3½.

**382. GENERAL REGISTER (Boroughs and Townships), 1937—.**

47 vols. (labeled by contained letters of the alphabet). Duplicates of permanent registration cards of qualified electors residing in boroughs and townships compiled for office reference, showing information as in entry 383. Arr. alph. by first letter of surname of voter. No index. Hdw. on ptd. fm. Aver. 600 pp. 16 x 12 x 3½.

**383. DISTRICT REGISTER (Allentown and Bethlehem), 1935—.**

51 loose-leaf vols. (labeled by contained ward and precinct nos.). District record of qualified registered voters of Allentown and West Bethlehem, showing serial, ward, and precinct nos.; name, address, age, sex, occupation, date and place of birth, party affiliation, and physical description of voter; length of time in election district; whether assistance is required and nature of disability; date and place of last registration; date registered; and signatures of elector and registrar. Arr. alph. by first letter of surname of elector. No index. Hdw. on ptd. fm. Aver. 500 pp. 16 x 12 x 3½.

**384. DISTRICT REGISTER (Boroughs and Townships), 1937—.**

50 loose-leaf vols. (labeled by name of civil division). District register of qualified voters residing in boroughs and townships of the county, showing information as in entry 383. Arr. alph. by first letter of surname of voter. No index. Hdw. and typed on ptd. fm. Aver. 500 pp. 16 x 12 x 3½.

**385. AFFIDAVITS, 1935—.**

1 f.d. Miscellaneous affidavits filed with registration commission to substantiate eligibility of voter, showing date, election district, names and addresses of parties, ward and district nos., names of witnesses, purpose of affidavit, and official signatures. Arr. by type of affidavit and thereunder alph. by first letter of surname of voter. No index. Hdw. on ptd. fm. 12 x 16 x 28.



**386. CHANGE OF ADDRESS, 1935—.**

7 f.d. Electors' requests for transfer of registration card from one district to another, showing former and present addresses, ward or district, date of removal, class of resident, and signature of elector. Arr. alph. by first letter of surname of elector. No index. Hdw. on ptd. fm. 12 x 16 x 28.

**387. DECEASED AND REMOVALS, 1937—.**

6 vols. (dated and labeled by contained letters of the alphabet). Canceled registration cards of electors removed from active file on account of removal or death, showing information as in entry 383, and date and cause of cancelation. Arr. alph. by first letter of surname of elector. No index. Hdw. on ptd. fm. Aver. 500 pp. 16 x 12 x 3½.

**388. NONVOTERS, 1937—.**

7 vols. (labeled by contained letters of the alphabet). Voided registration cards of electors removed from active file for failure to vote within a 2-year period, showing information as in entry 383. Arr. alph. by first letter of surname of elector. No index. Hdw. on ptd. fm. Aver. 500 pp. 16 x 12 x 3½.

**389. VOTERS CERTIFICATES (Voting Check List), 1937—.**

321 loose-leaf vols. (labeled by name of election district). Certificates filed by electors for comparison with signatures on registration cards, showing date and type of election, ward and district nos., address and signature, or mark of voter, machine admission or ballot no., and attestation of election official. Arr. num. by machine admission or ballot nos. No index. Hdw. on ptd. fm. Aver. 450 pp. 3½ x 7 x 3.

**390. (STREET LISTS ALLENTOWN AND BETHLEHEM), 1936—.**

56 f.d. (labeled by ward and precinct nos.). Street lists of qualified voters in Allentown and West Bethlehem, showing ward and precinct nos., and name, address, and party affiliation of elector. Arr. num. by ward no. and thereunder by house nos. No index. Typed. 4 x 6 x 13.

**391. (STREET LISTS BOROUGHES AND TOWNSHIPS), 1937—.**

51 f.d. (labeled by name of civil division). Street lists of qualified voters of boroughs and townships, showing name of civil division, and name, address, and party affiliation of elector. Arr. alph. by name of street or num. by route no. Typed. 4 x 6 x 13.



**392. REGISTRY LIST, 1916-35.**

1,445 vols. (dated and labeled by name of election district). Record of qualified voters, residing in boroughs, townships and county, showing information as in entry 393. Arr. alph. by first letter of surname of elector. No index. Hdw. and typed on ptd. fm. Aver. 50 pp. 8 x 10 x 1/2. 1,239 vols., 1916-35, attic strm. closets Nos. 21-23, 30; 52 vols., 1935, personal property and assessment off.; 154 vols., 1935, comms. off.

**393. VOTING CHECK LIST AND BALLOT CHECK LIST, 1914-35.**

1,774 vols. (dated and labeled by contained ward and district nos.). Record of qualified voters residing in Allentown and West Bethlehem, showing ward and precinct nos.; name, address, occupation, and physical description of voter; party affiliation; length of residence in district; citizenship status; date and place of last registration; and signature of voter. Arr. alph. by first letter of surname of voter. No index. Hdw. on ptd. fm. Aver. 80 pp. 8 x 14 x 1/2. Attic strm. closets Nos. 21, 22, 26-30.

**394. CORRESPONDENCE, REGISTRATION RENEWALS, 1937—.**

1 f.d. General correspondence of registration commission. Arr. alph. by first letter of surname of sender. No index. Typed. 12 x 16 x 28.

## XX. COUNTY BOARD OF ELECTIONS

Prior to 1937 the supervision over elections by county officials was divided among the commissioners, the sheriff, and the courts. In that year, however, many of the duties pertaining to elections were coordinated under the county board of elections, a new agency, which now has almost complete jurisdiction over the conduct of primary and general elections within the county. The county commissioners, ex officio, serve as the county board of elections, and receive no additional compensation for their work in this capacity. The county furnishes the board with suitable offices at the county seat and any necessary branch offices. Most of the funds needed for the operation of the board and the conduct of elections are secured from appropriations by the commissioners. The State, however, reimburses the county for the expenses incurred in the preparation, handling, and mailing of ballots of electors in military service. The county solicitor acts as counsel for the board.

The county board of elections selects the polling place for each new election district and may change the voting place of any district already in existence. If possible, public buildings are used for this purpose, but if a privately owned place is used, the board of elections fixes the amount of rent to be paid for it. It is the responsibility of the board of elections to provide any necessary light and heat for the polling place and to furnish it with voting compartments. All other equipment for elections is purchased by the board, which is also in charge of storing it when it is not in use. The board may appoint a chief clerk and as many other employees as it considers necessary, and may require any employee of the county commissioners' office to act as an employee of the board of elections without additional compensation. Minutes of the meetings of the board are recorded by the clerk. Members of the district election boards, consisting of elected judges and inspectors of election, are paid by the county board, which also issues certificates of appointment to watchers at primaries and elections. The board must see that election officers are instructed in their duties.

The routine duties of the board of elections begin before the primaries, which are held in the spring of even-numbered years and in the summer of other years. The board determines which organizations within the county are entitled to be considered as political parties. Not later than the tenth Tuesday before the primary, the board sends a list of all such

organizations to the Secretary of the Commonwealth. It then determines the offices for which candidates are to be nominated in the ensuing primary. This information is secured from the secretaries of the municipalities and school districts, from the Secretary of the Commonwealth, and from the State and county chairmen of all political parties. Thereupon the board publishes newspaper announcements of the date of the primary and the offices to be filled.

Nominating petitions and withdrawals are sent to the board which has the authority to reject nomination petitions, papers, or certificates of persons or parties which advocate the overthrow of the government of Pennsylvania or the United States by use of or by threats of the use of force, violence, or military measures. In all such cases, the testimony is stenographically recorded and made a part of the record. The decision of the board of elections may be reviewed by the court of common pleas and appeals may be taken to the Superior Court.

When nomination petitions have been received, the board of elections prepares the ballots, casting lots for each candidate's position on the ballot in relation to the other candidates for the same office. The returns of primaries are made by the district election officers and sent to the county board of elections, which tabulates and computes them.

Ten or more days before every November election, the county board of elections makes newspaper announcements for at least two successive weeks of the date, time, and place of election, and the office to be filled. Local authorities send to the board officials lists of nominees for local offices. The Secretary of the Commonwealth does the same for State and National offices, and sends a copy of the text of any question to be voted on in the election. The board then has the ballots prepared. After the Thursday before election day, the ballot forms are open to the public and specimen ballots are available to candidates and political parties in order that they may print colored sample ballots for distribution. Special ballots are prepared for the use of electors in military service.

After every primary and general election, the board of elections acts as a return board. Any member who is himself a candidate may not aid in the computation and canvass of returns. If two or more commissioners are candidates for office, one of the judges, the prothonotary, or the sheriff may sit on the return board to increase the membership to two. The board withholds compilation of the vote until the second Friday after the election in years when electors who are absent on military service are voting. The computation of returns, which usually takes place on the third day after the election, is held publicly. Every candidate may be present in person or by attorney, and may be represented



by watchers at the canvassing and compilation of the vote and at any other session of the board when matters which may affect his candidacy are being heard. The return board compares the number of registered voters with the number of votes cast. If the latter figure exceeds the registration of the district in question, no votes from that district may be counted until an investigation is made. The board has extensive powers in this respect. It may issue subpoenas, summon witnesses, and compel the production of any books, papers, records, and other evidence pertaining to the election. Each member of the board may administer the necessary oaths to persons testifying before the group. Any regulations not inconsistent with the law may be made by the board of elections.

After an investigation into any returns about which there is doubt, the board may correct the returns according to a recount, or exclude the poll of a district either in its entirety or for the particular office, candidate, question, or party for which the excess of votes existed. Whenever the circumstances seem to warrant it, the board reports the facts of the case to the district attorney.

A somewhat more complicated system is followed in connection with the ballots of electors absent on military service. At the close of the compilation of all votes, both military and otherwise, the board publicly announces the results of the elections and issues certificates of elections to the successful candidates for county and local governmental and party offices. It sends to the Secretary of the Commonwealth certificates of the returns for other offices and for those county offices which must be commissioned by the Governor. Any appeals from the decisions of the board are made to the court of common pleas.

Candidates for nomination or election must file expense accounts with the county board of elections. The board itself makes a report to the Secretary of the Commonwealth stating the number of military ballots mailed by the board. This report forms a basis for remuneration by the State for expenses incurred in the conduct of voting by soldiers.

A number of miscellaneous duties have been delegated to the county board of elections. It may petition the court of quarter sessions for the erection of new election districts or change of boundaries of existing districts. It investigates and reports to the court all petitions for such changes which have been made by the electors of the county. The board must systematically inspect the conduct of elections within the county in order to insure that they are honestly, efficiently, and uniformly conducted. It submits an annual estimate of its expenditures for the following year. Once a year it sends a report to the Secretary of the Commonwealth in the form prescribed by him. Part of this report is a statement of the number of electors registered.



The county board of elections has supervision over the installation of voting machines which may be used in the county as a whole or in any of the boroughs and townships which vote to do so. The board itself may submit the question of the use of such machines to the electors, or it may place it on the ballot at the request of a borough council or of the supervisors of any township, or of a designated number of qualified voters. If the results of such elections are favorable, the board must purchase and install the machines, prepare them correctly prior to each election, arrange for the instruction of voters in their use, appoint custodians and inspectors of the machines, and provide for their safe-keeping when not in use.

The board must perform any other duties which the law requires of it. A member who willfully neglects or refuses to perform any of his duties is guilty of a misdemeanor. Upon conviction he may suffer fine and imprisonment.

The law stipulates that all records of the election board must be preserved for at least eleven months. Records of military voting must be kept at least two years. If the district attorney or the judge states in writing that any particular records are needed for a longer time for any pending prosecution or litigation, they must be retained accordingly. The operation of this provision accounts for the absence of certain papers which are kept by the county board of elections for the eleven month period only.

**395. MINUTES OF THE COUNTY ELECTION BOARD, 1937—.**

1 vol. Minutes of meetings of county election board, showing date and place of meeting, names of members present, nature of business transacted, and signature of clerk. Arr. chron. by date of meeting. No index. Typed. 300 pp. 14 x 9 x 1. Off.

**396. ELECTION OFFICERS OATHS, 1937—.**

4 bdl., 1 f.b. Oaths of election officials, showing date, name of election district, name and title of officer, and official signatures. Arr. chron. by date of election and thereunder alph. by name of election district. No index. Hdw. on ptd. fm. 8 x 3 x 2½. Attic strm. vlt.

**397. PETITION FOR POLLING PLACES, 1937—.**

1 f.b. Copies of petitions filed for change of polling places, showing date, civil division, ward and precinct nos., present and proposed location, reason for change, official signatures, and date filed. Arr. chron. by date filed. No index. Typed on ptd. fm. 10 x 5 x 14. Off.

**398. NOMINATION PETITIONS, 1936—.**

2 f.b. Petitions filed by candidates for public offices to have names placed on official ballot, showing date of petition; date and type of election; names of civil division, candidate, office sought, and party affiliation; signatures, addresses, and occupations of qualified electors signing petition; official seal and signatures; and date filed. Arr. alph. by name of civil division. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14. Comms. off.

**399. RECORD OF ASSISTED VOTERS, 1936—.**

1 f.b. List of voters given assistance to cast vote, showing date of election, name of district, name and address of voter, reason, name of person furnishing assistance, and signature of judge of election. Arr. alph. by name of election district. No index. Hdw. on ptd. fm. 10 x 5 x 14. Off.

**400. GENERAL RETURN SHEET, 1931-32, 1937—.**

11 bdl. (dated). Election returns, showing name of civil division; district, ward, and precinct nos.; date and type of election; names of candidates; party affiliation; offices sought; number of votes cast for each candidate; certification; and signature of election board officials. Arr. chron. by date of election. No index. Hdw. on ptd. fm. 4½ x 11 x 6. 4 bdl., 1931-32, attic strm. vlt.; 6 bdl., 1937—, comms. off.

**401. GENERAL CERTIFICATE OF RESULTS, 1909—.**

203 vols. (dated). Certified record of votes cast at elections, showing date and type of elections; names of civil division, candidates, and offices sought; party affiliation; and total number of votes cast for each candidate. Arr. alph. by name of civil division and thereunder num. by ward no. No index. Hdw. on ptd. fm. Aver. 30 pp. 17 x 14 x ¼. 126 vols., 1909-34, attic strm. vlt.; 49 vols., 1913-18, attic strm. closet No. 21; 2 vols., 1933-35, proth. off. vlt.; 26 vols., 1935—, comms. off.

**402. STATEMENT OF RETURNS (Voting Machine), 1931-32, 1934—.**

11 bdl. Statement of returns on voting machines, showing date, place, and type of election; ward no.; names of candidates; title of office sought; number of votes received by each candidate on each machine and total; nos. of machine and operating lever seal; number of votes cast as shown by list of voters and the public and protective counters; and official seals and signatures. Arr. num. by ward no. and thereunder chron. by date of election. No index. Hdw. on ptd. fm. 28 x 5 x 5. Attic strm. vlt.

**403. ELECTION EXPENSE ACCOUNTS, 1937—.**

4 f.b. (dated). 1906-36 in Candidates Election Expense Account, entry 208. Campaign and election expense accounts of candidates for public office, showing date; type of election; names of candidates, office sought, and contributors; itemized list of receipts and expenditures; totals; official seal and signatures; and date filed. Arr. chron. by date filed. No index. Typed on ptd. fm. 10 x 5 x 14. Comms. off.

**404. REPORTS (Deaths), 1935—.**

1 f.d. Reports from State Bureau of Vital Statistics relative to deaths of residents of county, showing date of report, name and address of deceased, dates of birth and death, and signature of registrar. Arr. chron. by date of report. No index. Hdw. on ptd. fm. 12 x 16 x 28. Off.

## XXI. COUNTY SUPERINTENDENT OF SCHOOLS

### Evolution and Structural Organization

When Lehigh County was established, there were no provisions for public control over education. Since 1834, however, there has been State supervision of the public schools, first by the Secretary of the Commonwealth in his capacity as Superintendent of Common Schools, and since 1857 by the Superintendent of Public Instruction who is appointed by the Governor with the advice and consent of the State Senate. In 1854, supervision over schools on a county-wide basis was inaugurated with the establishment of the office of county superintendent of schools, elected triennially by the school directors of the county.

The School Code of 1911 grouped the school districts of Pennsylvania into four classes according to population, and limited jurisdiction of the county superintendent to those of certain classes. In Lehigh County, the city of Allentown was in 1940 a second-class school district, while Emmaus Borough and Whitehall Township were each third-class districts. In addition, there were 22 fourth-class school districts. Every second-class school district must elect its own district superintendent, and any third-class district may do so. Districts with district superintendents are not under the supervision of the county superintendent. In Lehigh County, each second and third-class district has its own district superintendent, but all the remaining school districts of the county are under the control of the county superintendent.

The county superintendent is elected every four years by the school directors of the districts under his supervision. They meet in convention at the county seat for this purpose. The superintendent receives his commission from the Superintendent of Public Instruction. He must be a person of good moral character, who holds a diploma from a college or other institution approved by the State Council of Education. In addition, he must have had six years of successful teaching experience, of which at least three years must have been in a supervisory or administrative capacity, and a graduate course in education. If, at the time of his election, he is serving as county or district superintendent or assistant county or district superintendent, that alone is held to be sufficient qualification for the office.

The county superintendent may be removed for cause, after a hearing by the Superintendent of Public Instruction. Vacancies in this office are filled by the Superintendent of Public Instruction, who considers any



recommendations made by the county board of school directors. Before assuming office, the county superintendent takes an oath which is filed in the office of the Superintendent of Public Instruction. The county commissioners provide the county superintendent with an office at the county seat, as well as storage space and supplies. The county is also permitted to furnish him with a telephone, a typewriter, and a stenographer.

The county superintendent may nominate an assistant superintendent who has the same evidences of eligibility as does the county superintendent. Confirmation of the nomination is made by a majority vote of the convention of school directors. In Lehigh County, there is one assistant county superintendent. The minimum salaries of the county superintendent and his assistant are fixed by law and paid by the State. For Lehigh County, these amount to \$4,500 for the superintendent and \$3,000 for his assistant. The school directors of the county, in convention, may vote for a payment by the county of additional sums to these officers. The compensation of the county superintendent of schools of Lehigh County now amounts to \$6,000 a year. His assistant receives \$3,500.

### **Functions and Records**

The county superintendent formerly conducted the examination of teachers for their professional certificates. This practice has become obsolete, however, because the standards upon which the granting of such certificates were based are lower than the present minimum standards for teachers' certificates. The State Council of Education provides, however, for the issuance of certificates by the county superintendent to meet emergency shortages of teachers.

The school districts of Allentown, Whitehall, and Emmaus must file annually with the Superintendent of Public Instruction a certificate showing detailed information relating to the teaching personnel of the district. In the remaining school districts of the county, similar reports are forwarded annually to the county superintendent for approval. Thereupon, he transmits them to the Superintendent of Public Instruction.

The county superintendent must visit the schools under his supervision as often as possible to note the courses and methods of instruction and the condition of the grounds and buildings. Reports of all violations or cases of inefficiency discovered by him must be made to the local school board. When these visits of inspection are made by the assistant county superintendent, he must make monthly reports of them to the county superintendent. The county superintendent must also see that fire drills are properly conducted at least once a month in those schools which are required to meet certain fire regulations.

Before the opening of the school term, the principal or teacher of each school is furnished with a list of the names and addresses of all children assigned to his school. Each year a summary of such statistics regarding the children in each district is furnished to the county superintendent to be forwarded by him to the Superintendent of Public Instruction. The superintendent is empowered to add to this enumeration the names of any children whose names do not appear there. It is the duty of every principal or teacher to report to the superintendent, or any other person named by law, the names of all children who do not appear for enrollment or who are absent for three days without lawful excuse. In case any child cannot be kept in school on account of bad conduct, the board of school directors may, by its superintendent or any other person named by law, proceed against the child before the juvenile court. Everyone employing a child of school age during school hours must send a detailed report to the superintendent or other designated officials.

Various designated school officials must secure information and report to the county superintendent the names of all children of compulsory school age who, because of physical or mental handicaps, are not receiving an adequate education. The children are then examined by the proper authority, who reports to the county superintendent. The superintendent then submits to the school directors plans for establishing special classes or special public schools to educate these children.

High school pupils wishing to have their tuition paid in a district other than that in which they live must present to the boards of both districts a certificate from the county superintendent of their home district that they have satisfactorily completed the required studies. The superintendent prepares and recommends to the various school districts suitable courses of study for the high schools under his supervision.

A number of records in the office of the county superintendent of schools form the basis for appropriations given by the State to the individual school districts. Among these records are applications for appropriations for transportation of pupils, enumerations of teachers and pupils, application for appropriation for teachers' salaries, and the vocational agriculture and vocational home economics reports.

The law requires the closing of all schools with an average term attendance of less than 10. The school board of the district, however, may petition the State Council of Education for the continuance of such schools. These petitions are sent through the county superintendent.

The Superintendent of Public Instruction determines the amount of funds due to school districts, and sends to the county superintendent a statement showing the amount placed to the credit of each school district.

The county superintendent signs the annual budgets and financial reports of the school districts and forwards them to the Department of Public Instruction. He furnishes all reports required by the Department. The local boards of school directors inspect the local auditors' reports which are signed by the superintendent and forwarded to the Department of Public Instruction.

Since 1867 provision has been made for county teachers' institutes, although since 1931 the county superintendent has been permitted to substitute other forms of training for the teachers of fourth-class districts. When the teachers' institutes are held, the county superintendent has general control over them, securing the desired speakers and incurring any necessary expenses. At the conclusion of every series of such meetings, he presents to the county treasurer a sworn statement of expenditures. Within thirty days, he prepares an itemized account of all the receipts and disbursements, and submits it, properly sworn to, together with the proper vouchers therefor, to the two auditors, who are elected at the first teachers' meeting in the school year. The superintendent reports to the Department of Public Instruction, on blanks furnished by it, the number of teachers attending, the names of instructors, the subjects taught, and such other information as may be required.

The school directors of the county are annually called by the superintendent to a convention held at the county seat in a place provided by the commissioners. He may also call special meetings of the school directors. The superintendent must attend these conventions. He serves *ex officio* as a member of the executive committee. He also aids the committee in any way required but he may not vote in the convention.

In 1937 a county board of school directors was created and the county superintendent was made the chief executive and *ex officio*, a member of all its committees. He may enter into discussions, but may not vote on decisions. The superintendent furnishes all reports which the county board of school directors request him to make.

Unless otherwise stated, records of the superintendent of schools are kept in his office.

#### **405. GENERAL FILE, 1926—.**

1 f.d. Contains:

- a. Annual school budget, 1937—, showing date; names of district and civil division; general and detailed estimate of approved expenditures with amounts and tax rate voted; estimate of receipts; number of schools, supervisors, teachers, and pupils; amount of



- increase or decrease in payroll; signatures of president and secretary of school board; and certification by superintendent.
- b. Consolidated schools annual reports, showing names of district and school name and address of secretary of school board, name of visitor, date of visit, standard for school, recommendations for improvements, number of books in library, enrollment by rooms, number of teachers without previous experience, names of schools closed, number of vacant rooms or rooms needed, number of pupils transported, means of transportation with name and address of driver, and signature of county superintendent.
  - c. Copies of applications for appropriation for transportation of pupils, showing names of school district and school, number and age of pupils, names of contractor and operator, type of vehicle, amount paid, expense of operating district-owned vehicles, total cost of transportation, affidavit of secretary of school board, and verification by county superintendent.
  - d. Copies of applications for the tuition of secondary school pupils paid by one district to another, 1931—, showing names of civil division and district; date of application; name, age, and grade of pupil, number of months and district attended; monthly tuition rate; total; affidavit of secretary of district board; and verification by county superintendent.
  - e. Copies of county superintendents' reports to State Department of Public Instruction, showing school year; date; name of school district; type, number, and classification of schools; number and sex of teachers employed; number and sex of pupils enrolled; teachers' service records and salaries; subjects taught; number of sessions; number of children requiring special education; and signature of county superintendent.
  - f. Copies of summary enumeration of children reported to the State Department of Public Instruction, 1939—, showing date; names of school district and secretary; sex, age, and number of pupils in each grade; number of male and female pupils assigned to private and parochial schools; names and addresses of employers of minors under 18 years of age; names, addresses, and ages of deaf, blind, and crippled children; and signatures of secretary of school district and county superintendent.
  - g. Eighth grade record cards, showing year; age, name, and address of pupil; names of school district, civil division, and teacher; record of attendance; place and date of examination; and average grade received.
  - h. Elementary school age grade tables, 1939—, showing date; no.



and name of school district; names of civil division and teachers; grade; sex, age, and number of pupils in each grade; per cent and number of pupils under and over normal age; and name, grade, sex, and age of pupils gravely retarded, with cause of retardation.

- i. Reports of vocational schools, showing names of school and district, name and address of secretary of school board, date, number of male and female pupils, total enrollment from seventh grade to graduation class inclusive, name of teacher, branch and periods taught, number of months employed, salary, travel allowance, and signatures of principal and superintendent.
- j. Secondary school age grade table, 1939—, showing date; names of district, school, and teacher; number and sex of pupils; and percentage and number under and over normal age.

Arr. alph. by name of school district. No index. Hdw. and typed on ptd. fm. 15 x 18 x 26.

#### **406. REPORTS, 1911—.**

1 f.d. Contains:

- a. Reports on continuation schools, 1928-33, showing date, names of district and school, number and sex of teachers, attendance, subjects taught, number of weeks employed, salary, affidavit of secretary, and certification by county superintendent.
- b. Reports of teachers employed by secretaries of school districts, showing date, names of district and civil division, name and address of teacher, name of school, certificate held, grade or subjects taught, monthly salary, and signature of president and secretary of school board.
- c. Secondary school classification reports, showing name of district; name and address of school; classes taught; classification requested; total number of pupils enrolled; name of school counselor or dean; guidance program; grades; subjects; number of groups and pupils in each; time schedule; monthly tuition charge for nonresident pupils; number of principals, teachers, and staff members, with periods taught weekly by each; average teacher load; library data; size of classes by department of instruction; number of nonresident pupils by grade and district; number of pupils graduating at end of school term, with vocation to be pursued; date of report; signature of principal; and recommendations by and signature of county superintendent.

Arr. alph. by name of school district. No index. Hdw. and typed on ptd. fm. 6 x 12 x 18.

**407. ANNUAL FINANCIAL REPORTS, APPLICATIONS FOR APPROPRIATION, 1920—.**

2 f.d. Contains:

- a. Copies of annual financial and statistical reports by secretaries of district school boards, showing dates reports compiled, received, and forwarded to State Department of Public Instruction; names of civil division, school district, and officers of school board; number and sex of pupils and teachers; average salary of teachers; average daily attendance; source and amount of receipts; purpose and amount of expenditures; assets and liabilities; totals; and balance.
- b. Copies of applications for appropriation of fourth-class school districts, showing date, names of civil division and district, names of supervisors and teachers employed, certificate held if new position, name of school, subjects taught, previous and present salary, affidavit of school board secretary, notarial seal, and signature of county superintendent.

Arr. alph. by name of school district. No index. Hdw. and typed on ptd. fm. 12 x 16 x 28.

**408. TEACHERS' MONTHLY ATTENDANCE REPORT, 1939—.**

1 f.b. Principals' attendance report summarizing monthly attendance reports of teachers, showing names and nos. of school districts and schools, number of sessions of elementary and high school for each month and total for term, number and sex of pupils enrolled, total, number of tardy marks, number of pupils and sessions absent lawfully and unlawfully, number of notices served on parents and other lawful authority, percentage of attendance, and signature and address of principal. Arr. alph. by names of school districts. No index. Hdw. on ptd. fm. 10 x 5 x 14.

**409. ATTENDANCE AND SCHOLASTIC RECORD OF TERM, 1929—.**

20 f.b. Attendance and scholarship records, showing names of district and school, grades in each school, names of pupils, attendance record, totals, subjects and rating received in each, grade assigned for next term, inclusive dates of term, name of teacher, names of pupils in perfect attendance, and number and date of certificate awarded. Arr. alph. by name of school district, and thereunder chron. by school term. No index. 10 x 5 x 14. 8 f.b., 1921-28, 3rd floor strm.; 11 f.b., 1929—, off.

**410. CERTIFICATE REGISTRATION, 1911—.**

2 f.d. Record of teachers' certificates, showing name, address, and date of birth of teacher; institutions attended and degrees awarded;

type, date, and no. of certificate; subjects in which qualified; teaching record; yearly salary; date registered; and signature of teacher. Arr. alph. by first letter of surname of teacher. No index. Hdw. on ptd. fm. 6 x 8 x 18.

**411. (PERFECT ATTENDANCE RECORD), 1921—.**

8 f.d. (labeled by contained letters of the alphabet). Teachers' report of perfect attendance, showing names of district and school, date of school term, name and address of pupil, certificate no., and signature of teacher. Arr. alph. by first letter of surname of pupil. No index. Hdw. on ptd. fm. 6 x 8 x 18.

**412. TEACHERS RATING CARDS, 1919—.**

6 bdl., 2 f.d. Record of rating of teachers, showing date; names of teacher, district, and school; subjects or grades taught; name and position of person rating; detailed satisfactory or unsatisfactory rating in personality, preparation, technique, and pupil reaction; and final rating as satisfactory or unsatisfactory. Arr. alph. by school district. No index. Hdw. on ptd. fm. Bdl. 5 x 8 x 5; f.d. 6 x 8 x 18. 6 bdl., 1919-37, 3rd floor strm.; 2 f.d., 1938—, off.

## XXII. INSTITUTION DISTRICT BOARD

### Evolution and Structural Organization

At first each borough and township of Lehigh County was responsible for the care of its own poor people. In charge of the granting of poor relief were two overseers elected in each of these municipalities. In 1840, an act was passed setting forth a proposed system for the organization of a county-wide poor district in Lehigh County, to be administered by three elected poor directors. The people were to hold an election to determine whether or not the new system should be adopted. The result of the election, however, was unfavorable, but in 1844 another similar law was passed and in the October election of that year the establishment of a county poor district was approved with a majority of 1,200 votes. According to the terms of this act, 28 men were named commissioners to select and purchase land as a site for a poorhouse. A 203-acre tract of land in South Whitehall Township was procured. Subsequent purchases of land increased the acreage to 254 acres. The almshouse was ready for use on December 29, 1845. Since that date additional buildings have been erected.

The act of 1844 provided that when the poorhouse was ready for occupancy, the poor directors were to send notices to the overseers of the poor of the various boroughs and townships of the county. Thereupon the overseers were required to bring all poor people under their charge to the poorhouse or else to forfeit all future maintenance of these people. As soon as the poor people of a borough or township were removed to the poorhouse and the outstanding debts and taxes collected and paid over to the overseers, the office of overseer was to be abolished. Thereafter it was the responsibility of the poor directors to care for every person for whom a relief order was granted by two justices of the peace. After 1859, the signature of but one justice was sufficient. In general, the persons were cared for at the almshouse, but the poor directors were authorized to permit any poor person to be maintained elsewhere on condition that the expense of such person's maintenance did not exceed that for which they could be supported in the poorhouse.

The three poor directors were elected triennially with one director replaced every year. They appointed all employees of the poorhouse, prepared an annual estimate of the amount of money needed to care for the poor during the year to come, bound out poor children as apprentices, made rules and regulations for the almshouse with approval of the



court of common pleas, and made a visit of inspection to the poorhouse at least once a month. They received a nominal sum as compensation for their services.

In 1937, all the poor districts of Pennsylvania were abolished and superseded in each county by a county institution district with the county commissioners acting as institution district board. The commissioners receive no extra compensation for their services in this respect beyond the actual expenses incurred in the performance of their official duties.

When the care of the poor was the responsibility of the individual boroughs and townships, poor relief was usually given in the form of "outdoor" or non-institutional relief. The early poor laws provided that the overseers might contract with anyone to care for and provide employment for poor persons. Those who refused to go to the place provided for them were no longer entitled to relief. With the establishment of the central county poor district, it became more economical to care for the poor in the almshouse, with the granting of outdoor relief left entirely to the discretion of the poor directors. During the past half-century the trend has again been in the direction of outdoor relief, and there has been a tendency to keep out of the almshouse all persons who can be better cared for in more specialized institutions. At present children and mental patients are barred from the almshouse. An act of 1883 first made it illegal for children to be kept in the poorhouse for longer than a sixty-day period. Instead, the poor directors were required to place all destitute children either in foster homes or in institutions designed for children only. Since 1923, mentally ill persons may be detained in the poorhouse only in case of emergency. In all other cases, they are cared for in mental hospitals. Lehigh County had, however, abolished the practice of caring for the insane in the almshouse long before 1923.

A number of afflicted poor people are usually sent to specialized institutions. Indigent persons suffering from tuberculosis are supported by the county in tuberculosis hospitals. Since 1917, the authorities in charge of the poor have been permitted to enter into contracts with special institutions for the care of indigent persons who are deaf and dumb. These institutions must be located in Pennsylvania, and the poor authorities pay them as much as it would cost to maintain the persons in the almshouse. Since 1927, the same provisions have been made for the care of those blind people for whom the poor district or institution district is responsible. Similar provisions allow the institution district board to send other sick and indigent persons to institutions where they can be better cared for.

Formerly, the almshouse often gave temporary shelter to vagrants. Recently, however, there is so much legislation hindering their movements that these persons apply to the poorhouse for aid only rarely. Moreover, residence requirements for relief applicants have also tended to discourage vagrancy. In addition, the establishment of the Federal Transient Bureau in 1933 has tended to take the responsibility for the care of these people from the poor and institution districts.

The most important of recent developments, however, has been the increased use of outdoor relief through aid to dependent children, to the blind, the aged, and the unemployed. The first Mothers' Assistance Law was passed in 1913. The State allotted each county which agreed to provide a like amount a certain sum to be used for assistance to indigent widowed or deserted mothers with children below the legal working age. In every such county, the Governor appointed a board of trustees of seven women to administer the work. Lehigh County adopted the plan in 1921. In 1934 a system of blind and old age assistance payments was adopted in Pennsylvania. The payments were granted with State and Federal funds, with the county responsible only for the administrative expenses. This work was administered by the board of trustees for mothers' assistance.

Unemployment relief became increasingly important after 1929 until finally it overshadowed all the other types. This aid had formerly been merely one of the responsibilities of the directors of the poor. The poor law of 1836 required that the authorities in charge of the poor provide work for any indigent person unable to secure employment. Work on the roads was specified as a means of coping with the situation. In 1931 and 1932 the first and second Talbot Acts were passed aiming to solve the growing problem of unemployment relief. The second Talbot Act entrusted each county's unemployment relief program to a county emergency relief board which was composed of five appointed unpaid members.

The Public Assistance Law of 1937 coordinated all the work of mothers' assistance, old age assistance, blind pensions, and unemployment relief under the Department of Public Assistance and the subordinate county boards of assistance which are appointed by the Governor. All governmental agencies formerly having charge of this work were abolished except insofar as was necessary for the liquidation of their affairs and property. All types of assistance under the Department of Public Assistance are carried on with State and Federal funds. The county does not provide even operating expenses and has no supervision over any phase of this work which is wholly under State control.

The county has been adopted merely as a convenient administrative unit. The institution district, however, must care for any person who is referred to it by those in charge of public assistance pending the determination of the person's legal place of residence.

The result of all these recent trends has been that today the institution district board has two major responsibilities: Sending to the proper institutions various types of people, and supervising the almshouse which shelters those people for whom no better place can be found. The population of the poorhouse is now made up chiefly of old unattached people with a preponderance of men over women.

### **Functions and Records**

The county commissioners are the executive and administrative officers of the county institution district, which is a corporate body with the capacity to sue and be sued and to hold, transfer, lease, and convey property. The board may purchase land and buildings for almshouse use and may have new buildings erected or old ones improved or repaired. Since 1925, the Department of Welfare has had to approve all purchases of land and all plans for buildings to be used as institutions for the poor. The members of the board may not be interested in contracts concerning the district. All expenditures of more than \$500 must be in writing and the board must require a bond from anyone who holds a contract above that amount.

The chief duty of the institution district board is to care for any dependent person having a legal residence in the county who is not otherwise supported and all persons without legal residence until they can be taken back to their homes. Most of the money to defray these expenses comes from taxation, the levying of which is based on the institution district budget, which is prepared annually in the same manner as the county budget. The institution district may not spend more money in a year than the amount called for in the budget, but during the last nine months of any year, money appropriated for one purpose within the institution district may be used for another purpose.

The institution district board levies and collects a poor tax which must not exceed ten mills on every dollar of the assessed valuation of the county. This tax is based on the same types of property, and is levied and collected in the same manner as the regular county taxes. In addition, the board may levy annual special taxes to defray interest and sinking fund charges on bonds issued for the purchase of land or buildings, the erection and equipment of buildings, or the payment of debts



on buildings. With the approval of the Department of Internal Affairs, the institution district board may issue bonds to raise funds for certain stipulated purposes such as the acquisition of real estate and the funding of notes for the district. The board is also authorized to borrow money for current expenses, giving notes payable within a year.

The county institution district board, like the former poor directors, appoints and removes all employees of the district. The county salary board fixes their compensation. It may require a bond from any employee. In addition, some miscellaneous duties which formerly belonged to the poor directors now devolve upon the county institution district board. These include the burial at an expenditure not exceeding \$75 of all poor people whose bodies are unclaimed and not desired by the State Anatomical Board. Soldiers and their widows, however, are never buried by the institution district, but by the county commissioners. Since 1905, the officers in charge of the poor have been obliged to provide the Pasteur treatment to all indigent residents of the county who are in danger of hydrophobia. The institution district board must prepare and send to the Department of Welfare any reports which the Department requests, and must permit the Department or its agents to inspect the county institutions at any time.

In addition the board may "take any other action authorized or required by law." The institution district board, like the former poor directors, must keep any records required by the Department of Welfare, and must allow the Department or any of its representatives to examine any of the books and papers of the institution district. The board may make any rules and regulations not inconsistent with the law or the rules and regulations of the Department of Welfare.

Unless otherwise stated, records of the institution district board are kept in the board's office.

#### **413. MINUTES OF COUNTY INSTITUTION DISTRICT, 1938—.**

1 vol. Minutes of the county institution district board meetings, showing date, time, and place of meeting; names of members present; business transacted; and signature of secretary. Arr. chron. by date of meeting. No index. Typed. 500 pp. 15 x 10 x 4. Comms. off.

#### **414. LEHIGH COUNTY HOME MINUTE BOOK, 1844-1937.**

2 vols. Title varies: Poor House Minute Book, 1844-1918, 1 vol. Minutes of county poor board meetings, showing date, time, and place of meeting; names of members present; nature of business transacted; and signature of secretary. Arr. chron. by date of meeting. No index. Hdw. and typed. Aver. 300 pp. 15 x 10 x 3. Off. vlt.



**415. ADMISSIONS LEHIGH CO., INSTITUTION DIST., 1938—.**

1 f.d. (labeled by contained letters of alphabet). Applications for admission to county home and State institutions, showing date; name and location of institution; name, address, age, date and place of birth, sex, color, religion, education, occupation, marital status, citizenship, physical description, and mental condition of applicant; duration of residence in county or State; names, addresses, and financial condition of relatives; investigators' findings; and signature of applicant. Arr. alph. by first letter of surname of applicant. No index. Hdw. on ptd. fm. 12 x 14 x 20.

**416. DISCONTINUED INSTITUTION DISTRICT, 1938—.**

1 f.d. (labeled by contained letters of alphabet). Rejected applications for institutional relief, showing information as in entry 415, and also reason for and date of rejection. Arr. alph. by first letter of surname of applicant. No index. Typed on ptd. fm. 12 x 14 x 20.

**417. DISCONTINUED POOR DISTRICT, 1934-37.**

1 f.d. (labeled by contained letters of alphabet). Discontinued as a county record; similar subsequent records kept by State Department of Public Assistance. Applications filed with poor district for assistance, showing date; name, address, age, sex, color, occupation, marital and financial status, and date and place of birth of applicant; length of residence in county and State; number, names, and ages of dependents; names and addresses of former employers; investigators' findings; signatures of applicant, investigators, and poor directors; and date approved. Arr. alph. by first letter of surname of applicant. No index. Hdw. on ptd. fm. 12 x 14 x 20.

**418. BOARDING CHILDREN IN CHILDREN'S HOMES, FOSTER HOMES, 1938—.**

1 f.d. (labeled by contained letters of alphabet). Applications for placement of children in institutions and foster homes, showing date; application no.; name, address, age, sex, color, and religion of child; names and addresses of parents; reason for application; investigators' findings; name and location of institution or foster home in which placed; rate per week; financial responsibility; and dates approved and closed. Arr. alph. by first letter of surname of child. No index. Typed on ptd. fm. 12 x 14 x 20.

**419. ADMITTANCE CARDS, 1845-1908, 1929—.**

30 vols., 1 f.d. Title varies: Inmates Admittance Record, 1845-1908, 30 vols. Record of persons admitted to the county home, showing in-

mate no.; date of admission; name, address, age, sex, religion, marital status, mental and physical condition, and date and place of birth of inmate; names and addresses of relatives; by whom committed; and cause for admittance. Arr. chron. by date admitted. No index. Hdw. and typed on ptd. fm. Vols. aver. 100 pp. 11 x 8 x 1; f.d. 6 x 8 x 16. 30 vols., 1845-1908, laundry attic strm.; 1 f.d., 1929—, off. vlt.

**420. DISCONTINUED CASES, 1845—.**

30 vols., 3 f.d. Title varies: Inmates Discharged Record, 1845-1911, 30 vols. Record of inmates discharged from the county home, showing inmate no.; date admitted; name, address, age, sex, race, and physical and mental condition of inmate; and date and manner of discharge. Arr. chron. by date discharged. No index. Hdw. on ptd. fm. Vols. aver. 100 pp. 11 x 8 x 1; f.d. 6 x 8 x 16. 5 vols., 1845-86, 1908-11, off. vlt.; 25 vols., 1886-1908, laundry attic strm.; 3 f.d., 1912—, off.

**421. DEATH OF INMATES, 1910—.**

1 vol., 2 f.d. Title varies: Death Record, 1910-11, 1 vol. Record of deaths of inmates of county home, showing date admitted; name, age, sex, and color of deceased; date, time, and cause of death; duration of last illness; name of attending physician; name and address of relative claiming body; and date and place of burial. Vol. 100 pp. 17 x 14 x 1; f.d. 6 x 8 x 16.

**422. INMATE RECORDS, 1929—.**

1 vol. Record of admission and discharge notices reported to the State Department of Welfare, showing identification no., name, address, age, and sex of inmate; dates of admission and discharge; and date reported. Arr. chron. by date of admission. No index. Hdw. on ptd. fm. 48 pp. 12 x 10 x 1.

**423. STATE REPORT OF INMATES, 1936—.**

1 f.d. Duplicates of reports to the State Department of Welfare, of patients admitted to and discharged from the county home, showing no.; date and cause of admission; date and manner of discharge; name, legal residence at time of admission, date and place of birth, sex, color, citizenship, marital status, number of children, and educational record of inmate; and signature of superintendent. Arr. chron. by date of report. No index. Hdw. on ptd. fm. 6 x 8 x 16. Off. vlt.

**424. INSANE IN STATE HOSPITAL, 1895—.**

1 vol. Record of indigent persons committed to State institutions and maintained by county, showing date committed, name of person, name

and location of institution, type of case, and dates and amount of payments for maintenance. Arr. chron. by date of payment. No index. Hdw. on ptd. fm. 300 pp. 14 x 9 x 1. Off. vlt.

**425. STATE HOSPITAL CASE HISTORIES, 1918—.**

1 f.d. Copies of case histories of inmates of county home transferred to State hospitals, showing identification, psychosis, and case nos.; name, address, age, sex, mental status, occupation, citizenship, and date and place of birth of inmate; mental and physical condition; date and duration of previous hospital residence; and date transferred and name of institution. Arr. alph. by first letter of surname of inmate. No index. Typed on ptd. fm. 12 x 14 x 28.

**426. PASS BOOK, 1875-77.**

1 vol. Record of leaves of absence of inmates, showing date, pass no., name of inmate, number of days granted, dates of departure and return, and reason for granting leave. Arr. chron. by date of recording. No index. Hdw. 300 pp. 13½ x 10 x 1½. Laundry attic strm.

**427. HISTORY OF CHILDREN BOARDING IN OTHER INSTITUTIONS, 1936—.**

1 f.d. Card record of children placed in institutions and foster homes, showing name, age, sex, color, and religion of child; name and location of institution; names and addresses of natural and foster parents; rate of board per week; and dates of placement, transfer, or removal. Arr. alph. by first letter of surname of child. No index. Hdw. and typed on ptd. fm. 12 x 14 x 28.

**428. INDENTURE RECORDS, 1913-29.**

1 vol. Discontinued. Record of indemnification between poor directors and parties obtaining services of county home inmates, showing date, name of inmate, name and address of employer, and terms and conditions of indenture. Arr. chron. by date of entry. No index. Hdw. on ptd. fm. 400 pp. 10½ x 8½ x 2.

**429. COUNTY HOME INVESTIGATIONS ON INSTITUTION DISTRICT CASES, 1938—.**

1 f.d. County home investigators' reports on institution district cases, showing date of application; name, address, age, sex, color, religion, marital and financial status, and date and place of birth of applicant; cause of application, investigators' findings; official signatures; and date approved or rejected. Arr. alph. by first letter of surname of applicant. No index. Hdw. on ptd. fm. 12 x 14 x 28. Off. vlt.



**430. RECORD FOR OUTDOOR RELIEF, 1913-30.**

2 vols. Discontinued as a county record; similar subsequent records kept by State Department of Public Assistance. Record of applications for outdoor relief, showing date of application, register no., name of district, name and address of applicant, date and place of birth, sex, color, marital status, physical and mental condition, education, occupation, number of children, quantity and description of relief granted, and cause of destitution. Arr. chron. by date of application. No index. Hdw. on ptd. fm. Aver. 150 pp.  $20\frac{1}{2} \times 8\frac{1}{2} \times 1\frac{1}{2}$ .

**431. CASH CONTROL (Expenditures), 1845—.**

10 vols. (2 vols. dated; 8 vols. unlabeled). Title varies: County Home Accounts, 1845-1918, 2 vols.; Record of County Home Appropriations, 1914-37, 6 vols. Record of expenses of county home, showing date, total appropriations, purpose, name of payee, amount, total amount of disbursements, and unexpended appropriations. Arr. chron. by date of disbursement. No index. Hdw. on ptd. fm. Aver. 250 pp.  $16 \times 13 \times 1\frac{1}{2}$ .

**432. GENERAL CASH RECEIPTS, scattered dates 1845—.**

10 vols. (8 vols. unlabeled; 2 vols. dated). Title varies slightly. Record of cash receipts, showing date, name of payer, purpose, amount, and total receipts. Arr. chron. by date of receipt. No index. Hdw. on ptd. fm. Aver. 175 pp.  $14 \times 11 \times 1$ . 7 vols., 1845-1911, laundry attic strm.; 3 vols., 1912—, off.

**433. GUEST MAINTENANCE AND CASH CARD, 1938—.**

1 f.d. Record of cash received in payment of board of inmates of county home, showing date and amount of payment, rate per month, and names of payer and inmate. Arr. alph. by first letter of surname of inmate. No index. Hdw. on ptd. fm.  $6 \times 8 \times 16$ .

**434. INMATE PAYROLL RECORD, 1936—.**

1 vol. Record of payments made to inmates for work performed, showing date, name of inmate, date and class of work performed, amount paid, total amount paid for work performed at the home and farm, and total amount expended. Arr. chron. by date of recording. No index. Hdw. on ptd. fm. 150 pp.  $14\frac{1}{2} \times 9\frac{1}{2} \times 1\frac{1}{2}$ . Off. vlt.

**435. COUNTY HOME VOUCHERS AND BILLS PAID, 1832-1908, 1938—.**

200 bdl., 2 f.d. Bills, orders, and vouchers covering expenditures of county home, showing date of purchase, name of vendor, article purchased or services rendered, amount of expenditure, and date paid. No



obvious arr., 1832-1908; arr. chron. by date paid, 1938—. No index. Hdw. and typed on ptd. fm. Bdl. 12 x 8 x 4; f.d. 12 x 14 x 28. 200 bdl., 1832-1908, laundry attic strm.; 2 f.d. 1938—, off.

**436. RECORD OF ORDERS ISSUED FOR OUTDOOR RELIEF, 1935-38.**

3 vols. (dated). Record of orders issued by the poor directors for outdoor relief, showing date, case and order nos., name and address of recipient, and type and amount of order. Arr. chron. by date of order. Indexed alph. by first letter of surname of recipient. Hdw. and typed on ptd. fm. Aver. 300 pp. 11 x 11 x 3.

**437. WARRANT REGISTER, 1938—.**

1 vol. Record of warrants issued in payment of county home expenditures, showing date, warrant no., name of payee, amount, and purpose. Arr. chron. by date of warrant. No index. Hdw. on ptd. fm. 175 pp. 14 x 12 x 1½. Off. vlt.

**438. LETTER LEDGER (Correspondence), 1860-73, 1881-84.**

2 vols. Correspondence received and duplicates of letters sent out. Arr. chron. by date of letter. Indexed alph. by first letter of surname of correspondent. Hdw. Aver. 350 pp. 15 x 10 x 2.

## **XXIII. SURVEYOR**

### **Evolution and Structural Organization**

From the early proprietary period, the Governor appointed a Surveyor General, who in turn selected a deputy surveyor for each county. An act of 1871 first gave legislative sanction to the office of Surveyor General. The office was abolished by the Constitution of 1874 and its functions turned over to the Secretary of Internal Affairs. In 1850, the deputy surveyor was replaced by the county surveyor, elected triennially in each county. In 1909, the term of office was extended to four years.

The county surveyor must be a citizen and a resident of the county for at least a year prior to his installation in office. In addition, he must be a practical surveyor. The court of quarter sessions fills all vacancies. Before assuming office he takes an oath which is filed with the prothonotary, and posts a bond satisfactory to the court of common pleas. The bond is filed with the controller. The surveyor may not execute any of his duties until he has received his commission from the Governor and delivered it to the recorder of deeds who records it at the expense of the surveyor. The salary of the county surveyor was fixed by law at \$300 a year, but it was abolished in 1945.

### **Functions and Records**

Some of the duties of the county surveyor are those which he inherited from the deputy surveyor. These included surveying pursuant to warrant lands to which patents had not yet been issued, entering these surveys in a Survey Book, and making an annual report to the Surveyor General of the amount of land surveyed upon each warrant.

The county surveyor receives from the Secretary of Internal Affairs special lists of warrantee names of unpatented tracts for which he ascertains the names and residences of the owner and the locations of the tracts, and gives written notice to the owners that their lands are unpatented. Unless the arrears are paid within six months, the State Board of Property may direct proceedings to enforce payment. Within three months, the county surveyor sends a written report in duplicate to the Secretary of Internal Affairs, giving the information obtained concerning these warrantees. A copy of these lists is filed with the prothonotary. Upon request by the owners, the surveyor must survey any un-

patented tracts and return the surveys to the Department of Internal Affairs.

All records of the first titles of any land within the State are now kept in the office of the Department of Internal Affairs at Harrisburg, where anyone may examine them upon payment of a fee.

Records of the surveyor are all kept in the attic storeroom closet, No. 20.

**439. OLD LAND WARRANTS OF SURVEY, 1734-1872.**

2 bdl. Instruments granting warrantee ownership of unpatented land, showing name of warantee; location and description of property; purchase price; dates warrant issued, surveyed, and patent granted; vol. and p. reference to recording in record of Land Office, Harrisburg, Pennsylvania; and official seal and signatures. Arr. chron. by date warrant issued. No index. Hdw. on ptd. fm. 9 x 8 x 4.

**440. OLD LAND DRAFTS, 1734-1881.**

5 bdl. Duplicates of land drafts filed in the Surveyor General's office, showing date; names and addresses of owner, applicant, and adjoining owners; location and description of property; date of survey; warrant, return, and application nos.; and signature of surveyor. Arr. chron. by date of survey. No index. 12 x 7 x 1.

**441. DRAFT BOOK, 1835-45.**

1 vol. Record of land drafts filed by county surveyor in the Surveyor General's office, showing date, names of land owners and adjoining owners, location and description of property, date of survey, and name of surveyor. Arr. chron. by date of survey. No index. Hdw. 100 pp. 12 x 7 x 1.

**442. ORDERS TO DEPUTY SURVEYOR, 1734-1872.**

2 bdl. Orders from the Surveyor General to survey land patents, showing date, name and address of applicant; application no.; amount, location, and description of property; and official seal and signatures. Arr. chron. by date of order. No index. Hdw. on ptd. fm. 14 x 9 x 4.

**443. LAND WARRANT BOOK, 1814-80.**

1 vol. (dated). Record of land warrants and orders of survey, showing date, names of warrantee and adjoining land owners, number of acres, location and description of property, warrant no., and dates of issue and execution. Arr. chron. by date filed. No index. Hdw. 30 pp. 12 x 7 x 1½.

## XXIV. ENGINEER

It has been customary for the county commissioners to employ an engineer whenever the services of one are needed. Moreover, since 1919, the commissioners have been permitted to appoint as a full-time county officer a registered professional engineer. In Lehigh County both systems have been used. During some years a regular county engineer has been appointed, and at other times an engineer has been hired for any work at hand. Besides possessing the professional requirements, the county engineer must have been a citizen and an inhabitant of the county for at least a year before his appointment. He serves for a four-year term, but is removed from office if he violates certain provisions of the law relating to contracts for public work. These forbidden activities include bidding on such contracts, receiving a contract for county work, or receiving a gratuity from any one interested in a county contract. Moreover, if he commits any of these acts, he is guilty of a misdemeanor, and if convicted he may be fined and imprisoned. The county commissioners determine the compensation of the county engineer.

The county engineer must perform any duties regarding county engineering work which may be prescribed for him by the commissioners. He prepares plans, specifications, and estimates of all engineering work done by the county. On request of the commissioners, he furnishes reports, information or estimates, on any such work. The engineer is required to give the Department of Highways any facts requested by the Department which relate to county highways, such as their mileage, the cost of building and maintaining them, and their condition and character. He supervises the connection of branch sewers with main or trunk sewers. Whenever the court of quarter sessions receives a petition for the formation of a sewer district, three viewers are appointed to investigate the request. The county engineer accompanies them, and acts as artist for them.

All the records of the engineer are kept in his office.

### 444. ROADS, 1920—.

1 f.d. Plans of county and State roads, showing route no., name and location of road, dimensions, scale, names of surveyor and engineer, and date drawn. Arr. num. by route no. No index. Blueprinted. 10 x 12 x 22.



**445. BUILDINGS, 1920—.**

1 f.d. Plans and blueprints of all county buildings, showing name and location of building, dimensions, elevation, scale, names of architect and engineer, and dates drawn and approved. Arr. alph. by name of building. No index. Blueprinted. 10 x 12 x 22.

**446. STATE, CITY AND TOWNSHIP BRIDGES, 1890—.**

1 f.d. Plans of bridges in county, showing bridge no.; name, location, type, specifications, and dimensions of bridge; scale; name of engineer; and date of plan. Arr. by class of civil division. No index. Blueprinted. 10 x 12 x 22.

**447. PURCHASE ORDERS, 1938—.**

2 vols. Triplicate copies of purchase orders for supplies used in construction and repairs of county property, showing date, order no., name and address of dealer, etc. Arr. alph. by first letter of surname of dealer. No index. Typed on ptd. fm. Aver. 475 pp. 12 x 10 x 3.

## XXV. BOARD OF VIEWERS

### Evolution and Structural Organization

The board of viewers has developed from the road viewers, first provided for in laws of the colonial period which were re-enacted with certain changes as parts of the general road laws of 1802 and 1836. Whenever anyone in the county wished a road to be built, he petitioned the court of quarter sessions, which named six men to view the locality and decide whether a road should be built. If they decided favorably, they sent a report and a draft of the proposed road to the court. If the judges confirmed the report, the county built the road. Whenever a property owner claimed damages from the building of a road through his land, the court appointed six additional viewers to determine the amount to be paid to him by the county. An act of 1845 provided that viewers should thereafter be selected from among the citizens of the township where the road or bridge was proposed to be built, and that the expenses of the view should be paid by the petitioners, while damages were to be paid by the township.

In 1860, however, a simpler system was set up for Lehigh County by the terms of a special act providing that in all cases when a view was granted for road or bridge purposes, there should be three rather than six viewers. One of the three must be a practical surveyor, and two of the three must concur in the decision of the group. Whenever viewers are appointed, they must, at least five days before their proposed meeting, post three or more advertisements "in the most public places in the vicinity of the place to be viewed." If they decide that a road or bridge is to be built, they attempt to procure releases from damage claims from the persons through whose lands the improvement is to be made. If they are not successful in getting releases, they assess the damages. These assessments and all releases secured are returned to the court of quarter sessions with the viewers' report. Persons dissatisfied with the amount of damages awarded to them may appeal to the court within a definite time, upon which a review is held. If the court is satisfied that the damages assessed are not too large, it orders them paid by the township. If not, they must be paid by the petitioner. The act incorporating the city of Allentown in 1867 provided that streets and alleys within the city should be opened at the decision of certain officers of the city who should attempt to procure damage releases from the persons affected. If they were unable to secure releases, the court of quarter sessions ap-

pointed seven disinterested citizens of the city who assessed the damages. In determining the damages incurred, these viewers also take into consideration the benefits secured by the property owners.

Meanwhile, during the second half of the nineteenth century, viewers began to be appointed by the court of quarter sessions for other purposes, such as deciding whether the county should take over toll bridges or turnpikes or build a bridge to be maintained by the township in which it was located. The same system is used when petitions request the construction of guardrails for township bridges and the connection of city, borough, or first-class township sewers with those of an adjoining municipality. In all of these cases, the viewers not only determine the advisability of granting the petition, but decide the amount of damages to be given to affected landowners.

In addition, there are various circumstances under which viewers are selected by the court of common pleas rather than the court of quarter sessions. These are chiefly in eminent domain proceedings. Viewers appointed by the court of common pleas assess damages incurred when land is purchased by the county or condemned for use by a railroad or ship canal. The court of common pleas also appoints viewers to award damages to persons whose property is taken by a city, township, or borough, to establish disputed boundary lines between municipalities, to view property which the State wishes to take over, and to assess benefits secured from flood control work.

Until 1911 the court of quarter sessions or the court of common pleas appointed viewers from the entire population of the county whenever they were needed. But in that year a law was passed which established a permanent board of viewers, from the members of which all viewers are selected. The group of viewers named for any specific case is known as a board of view.

In every county the board of viewers consists of from three to nine members, the exact number determined by the court of common pleas, which appoints the board. At any time the court may change, within the legal limits, the number of members. At present the full quota of nine members is appointed in Lehigh County. One-third of the members of the board may be surveyors or members of the bar. Every member must be at least 25 years of age, a freeholder, and a qualified elector who is "engaged in no other public employment of profit." The office of a viewer is vacant as soon as he moves from the county or ceases to possess any of the qualifications. The court of common pleas may determine summarily any facts which bring about a vacancy.

The members of the board of viewers hold office for a term of three years from the date of their appointment, whether they are appointed

to fill a vacancy or to take up a new term. Members may be reappointed for any number of times and may be dismissed by the court of common pleas for any reason. All members of boards of view, before performing their duties, must take an oath which is administered by any justice of the peace of the county or by one of their members. The compensation of a viewer is fixed by law at \$12 a day for each day actually spent in official duties and traveling expenses of 10 cents a mile.

Whenever a petition is presented to any court asking for the appointment of viewers for any of the purposes for which they are used, that court appoints a board of view consisting of three members of the county board of viewers. One member of each board must be learned in the law. When a road or bridge is on the county line, each county selects three viewers.

### **Functions and Records**

The act of 1911 does not repeal any prior acts except insofar as they were inconsistent with its terms. The functions of boards of view are generally set forth in each act which deals with a situation for which viewers are appointed. But since their duties usually consist of either determining whether an improvement is to be made or awarding damages and assessing benefits in eminent domain proceedings, an understanding of the activities of boards of view can be secured from a study of the road laws of 1836 and 1860 and of the provisions relating to eminent domain in the General County Law. The latter are so similar to those in the general city, township, and borough laws that it is necessary only to realize that boards of view perform almost identical duties when cities, townships, boroughs, or counties enter into eminent domain proceedings.

When viewers are summoned to determine whether a road or bridge is to be built, repaired, or abandoned, they meet at the proposed location after giving notice as required by law. If they decide that a road should be built, they plan it and make a report to the next term of the court of quarter sessions, stating who was present at the view, whether each viewer took the oath, and whether the road is to be a public or a private one. Annexed to this report are all damage releases obtained from property owners, a plot showing the course of the road and the properties through which it is to pass, and the viewers' estimates of damages due to persons not giving releases. If the court approves of the report, it decides how wide the road shall be. Three viewers have similar powers in planning main or trunk sewers and sewage disposal plants.

Persons disagreeing with the decision of the court have the right to file exceptions to the report or petitions for the appointment of a new



group of viewers. A second review is permitted only when the court requires further information. When this procedure has been followed, and has finally failed, no further petition for the same road or bridge may be considered until one year has elapsed.

When the court confirms a favorable report of road viewers, it orders that the road or bridge be opened by a certain date. When this order has been carried out, it is returned to the court, verified by affidavit.

Viewers are also permitted to allocate the cost of widening and altering roads between the various municipalities in which they are situated. Whenever the county commissioners can agree with property owners as to the amount of damages incurred through road work, a view may be dispensed with upon approval of the court if the total amount of damages does not exceed \$300. Appeals from viewers' reports on land damages are made to the court of common pleas within thirty days.

The duties of the board of viewers in eminent domain proceedings are similar to those in assessing road damages. When the county takes over private property and cannot agree with the owner as to the amount to be paid for it, the court of common pleas appoints three members of the board of viewers. Ten days' public notice of their meeting is given by the viewers, a majority of whom must attend all proceedings and concur in all decisions. The viewers must also send notice to the county commissioners and to any municipalities which are concerned in or affected by the proceeding.

At the meeting of the viewers, they hear all witnesses and interested persons. Afterwards, they prepare a schedule of damages and inform everyone concerned of the day when they will meet to exhibit the schedule and hear exceptions.

The entire board of viewers prepares hearing or trial lists under the direction of the court. The hearings are held publicly. Whenever the board considers it desirable, stenographic reports of hearings are kept, and copies are furnished to all interested persons upon payment of the regular rate. With the permission of the county commissioners, the board may employ stenographic and clerical assistants, the number and compensation of whom are fixed by the salary board.

After making any necessary changes, the board of view makes a report to the court of common pleas, showing all damages and benefits assessed and containing a plan of the contemplated improvement. Public notice of the filing of the report is given. Notice by registered letter is also given to all parties concerned in the case. Any exceptions to the report must be received within thirty days. If no exceptions are made, the court confirms the report. Otherwise the case goes to the court of

common pleas, and thereafter to the Supreme Court or the Superior Court.

At the conclusion of the work of a board of view, it files in the court which appointed it a report of all its findings and of all damages awarded and benefits assessed. A plan is enclosed which shows all affected properties. Every report must be concurred in and signed by at least two of the viewers. In case of the failure of a board of view to secure the concurrence of two members, it informs the court of that fact and a new board of view is appointed to consider the case.

## **XXVI. SEALER OF WEIGHTS AND MEASURES**

### **Evolution and Structural Organization**

An act of 1700 required that standards of weights and measures be provided in every county, to be kept by a county officer appointed by the Governor for this purpose. These provisions were re-enacted in 1834, and in 1845 the sealer of weights and measures was given a definite tenure of three years. The office was abolished in Lehigh County by a special act of 1859. In 1877 the sealer was re-established in every county of the State, but it was again abolished six years later. An act of 1911 permitted the commissioners of every county and the mayor of every city to appoint as many inspectors of weights and measures as they deemed necessary. County inspectors have jurisdiction only over those parts of the county located outside of cities. They hold office during good behavior. With the approval of the State Bureau of Standards, any two or more counties, or any county and city, may combine the whole or a part of their districts with one set of standards and one inspector. It has been customary to refer to the inspector under the old term "sealer."

No person may be sealer of weights and measures who has not for one year been a citizen and a resident of the county. The only additional qualification for this officer is that he must be a "competent person." The present sealer of Lehigh County receives \$1,860 a year and expenses.

### **Functions and Records**

The inspector of weights and measures visits, not more than four times a year, every business establishment where measures, weights, or scales are used or sold. At these times he inspects, regulates, and adjusts all such instruments, sealing those which comply with the regulations. He may destroy any devices which cannot be adjusted. If, at some subsequent time, a device once approved is found defective, the sealer may forbid its use. In the performance of his duties, the sealer may enter premises without a warrant, halt a vendor or vehicle on any public highway, and condemn or seize any illegal weighing device. The device so seized may be destroyed, unless otherwise ordered by the court. The standards used by the sealer are supplied by the Department of Internal Affairs. The Department supplies a certificate as to their accuracy and

compares, tests, and regulates them when they are presented to the Department by the sealer for that purpose. The sealer sends complete monthly reports of his work to the Department of Internal Affairs.

The Commodity Sales Act prohibits the sale of dry commodities by liquid measure or liquid commodities by dry measure. It also makes it illegal to use a bottomless measure, one not marked as to capacity, or one falsely marked. It is the duty of the sealer of weights and measurers to see that the provisions of this law and other acts relating to weighing and measuring devices are enforced.

Weighing and measuring devices must be in such a position that their operation may be observed and their indicators accurately read by the purchaser. The position of the instrument depends upon the size and character of the indicating elements, and the sealer of weights and measures and the Department of Internal Affairs have the right to determine what the position shall be. The sealer is responsible for seeing that these provisions are carried out.

This officer may inspect solid fuel for weight, and he may direct the person in charge of it to convey it to the nearest available scales operated by a weighmaster. The sealer has the right to select the weighmaster to be consulted.

In order to carry out some of the provisions of the various laws relating to the weights of commodities, the appointment of weighers by the county commissioners or the mayor of a city is permitted. Such appointments are made only on request of a manufacturing company, transportation company, merchant, or dealer located within the city or county. They receive no compensation for their duties which consist of weighing articles sold, purchased, or transported by the company or person requesting the appointment. Upon his appointment, each weigher must take an oath.



## LIST OF COUNTY OFFICIALS <sup>1</sup>

### Sheriff

<i>Name</i>	<i>Date Commissioned</i>
Peter Hauck	October 22, 1812
George Klotz	October 17, 1815
Anthony Musick	October 22, 1817
Charles L. Hutter	October 27, 1820
Abraham Rinker	October 21, 1823
Daniel Mertz	October 16, 1826
Abraham Rinker	October 20, 1829
Peter Hoffman	October 16, 1832
Jacob Hagenbuch	October 20, 1835
Jonathan D. Meeker	November 12, 1838
George Wetherhold	October 19, 1841

### *Date Elected*

David Stern	October 8, 1844
Charles Ihrie	October 12, 1847
Joseph F. Newhard	October 8, 1850
Nathan Weiler	October 11, 1853
Henry Smith	October 14, 1856
Charles B. Haintz	October 11, 1859
Herman M. Fetter	October 14, 1862
Jacob Holben	October 10, 1865
John P. Miller	October 13, 1868
Owen W. Faust	October 10, 1871
Edwin Zimmerman	November 3, 1874
Thomas B. Morgan	November 6, 1877
George Bower	November 2, 1880
Charles B. Maberry	November 6, 1883
Frank A. Rabenold	November 2, 1886
Samuel F. Miller	November 5, 1889
Franklin Bower	November 8, 1892
Frank C. H. Schweyer	November 5, 1895
Wayne Bitting	November 8, 1898
Jacob B. Waidelich	November 5, 1901

<sup>1</sup> Information obtained from Deed Docket, 1812-1839, *see* entry 51; Election Docket, 1839-1936, *see* entry 134; Minutes of the City Registration Commission, 1937—, *see* entry 380.

Edwin A. Krause	November 8, 1904
Victor H. Wieand	November 5, 1907
Harry F. Bower	November 7, 1911
Alfred Diefer	November 2, 1915
William F. Clauss	November 4, 1919
Mark I. Sensenbach	November 6, 1923
	Died Sept. 8, 1926
Thomas B. Kellow	Served the unexpired 2 years of Sensenbach's term
Thomas B. Kellow	November 8, 1927
William J. Weider	November 5, 1931
	Died Oct. 27, 1933
Alexander M. Peters	As Coroner served as Acting Sheriff until an appointee was named
Oliver H. Peter	Was appointed to fill the unexpired 2 years of Weider's term
	April 17, 1934
Oliver H. Peter	November 5, 1935
Mark W. Hoffman	November 7, 1939
Oliver H. Peter	November 2, 1943

**Prothonotary**

<i>Name</i>	<i>Date Commissioned</i>
John Mulhallen	July 23, 1812
Henry Wilson	April 14, 1815
Henry Wilson	January 8, 1818
Christian F. Beitel	February 9, 1821
Charles L. Hutter	January 2, 1824
Charles L. Hutter	December 23, 1826
Daniel Kramer	March 29, 1830
Daniel Kramer	February 4, 1833
Edwin Wilson Hutter	November 25, 1834
Charles Craig	July 13, 1835
Jacob Dillinger	October 20, 1835
Christian F. Beitel	January 19, 1836
Jesse Samuels	January 29, 1839

*Date Elected*

Jesse Samuels	October 8, 1839
Daniel Mertz	October 11, 1842
Nathan Miller	October 14, 1845

Nathan Miller	October 10, 1848	Re-elected
Francis E. Samuels	October 14, 1851	
Francis E. Samuels	October 10, 1854	Re-elected
James Lackey	October 13, 1857	
James Lackey	October 9, 1860	Re-elected
Esaias Rehrig	October 13, 1863	
Esaias Rehrig	October 9, 1866	Re-elected
Jacob S. Dillinger	October 12, 1869	
Jacob S. Dillinger	October 8, 1872	Re-elected
Henry A. Saylor	November 2, 1875	
Henry C. Wagner	November 5, 1878	
Tilghman D. Frey	November 8, 1881	
James Hausman	November 4, 1884	
Jonas F. Kline	November 8, 1887	
Edwin H. Stine	November 4, 1890	
Rufus T. Erdman	November 7, 1893	
William H. Snyder	November 3, 1896	
John F. Stine	November 7, 1899	
Ira T. Erdman	November 18, 1902	
George G. Blumer	November 7, 1905	
Alfred F. Berlin	November 3, 1908	
Morris R. Schantz	November 7, 1911	
Ambrose J. Heller	November 2, 1915	
Wilson A. Wert	November 4, 1919	
Wilson A. Wert	November 6, 1923	Re-elected
Wilson A. Wert	November 8, 1927	Re-elected
David E. Serfass	November 5, 1931	
David E. Serfass	November 5, 1935	Re-elected
John P. Creveling	November 7, 1939	
John P. Creveling	November 2, 1943	Re-elected

### **Recorder of Deeds**

<i>Name</i>	<i>Date Commissioned</i>
Leonard Nagle	July 23, 1812
Leonard Nagle	January 18, 1818
George Marx	February 9, 1821
James Hall	January 2, 1824
James Hall	December 23, 1826
John Wilson	March 29, 1830
William Boas	January 19, 1836
Anthony Gangwere	January 29, 1839

Anthony Gangwere	October 8, 1839	Date Elected
Anthony Gangwere	October 11, 1842	Re-elected
George Stein	October 14, 1845	
Nathan German	October 10, 1848	
Nathan German	October 14, 1851	Re-elected
Charles Gross	October 10, 1854	Died in office in 1856
Benjamin M. Krause	June 13, 1856	Appointed to fill in this term until election
George T. Gross	October 14, 1856	
Joseph Saeger	October 11, 1859	
Jonathan Trexler	October 14, 1862	
Jonathan Trexler	October 10, 1865	
Silas Camp	October 13, 1868	
Silas Camp	October 10, 1871	
John F. Seiberling	November 3, 1874	
Edwin H. Brader	November 6, 1877	
Dallas Dillinger	November 2, 1880	
Joseph C. Rupp	November 6, 1883	
<i>Date Elected</i>		
Henry J. Gackenbach	November 2, 1886	
Albert S. Weiler	November 5, 1889	
Morris J. Stephen	November 8, 1892	
E. R. Benner	November 5, 1895	
W. Mathias Ritter	November 8, 1898	
George F. Knerr	November 5, 1901	
David Davis	November 8, 1904	
Harvey T. Shuler	November 5, 1907	(1908-12)
Oliver T. Weaber	November 7, 1911	(1912-16)
Jacob J. Kern	November 2, 1915	(1916-20)
Edward H. Schlechter	November 4, 1919	(1920-24)
John F. Stine	November 6, 1923	(1924-28)
Fred W. Fegley	November 8, 1927	(1928-36)
Fred W. Fegley	November 5, 1931	Re-elected
Ralph E. Diefenderfer	November 5, 1935	(1936—)
Ralph E. Diefenderfer	November 7, 1939	Re-elected
Abraham L. Knauss	November 2, 1943	(1944—)

**Register of Wills**

<i>Name</i>	<i>Date Commissioned</i>
Leonard Nagle	July 23, 1812



Leonard Nagle	January 18, 1818	Re-appointed
George Marx	February 9, 1821	
James Hall	January 2, 1824	
James Hall	December 23, 1826	Re-appointed
John Wilson	March 29, 1830	
William Boas	January 19, 1836	
Samuel Marx	January 29, 1839	

*Date Elected*

Samuel Marx	October 8, 1839	
Tilghman Good	October 11, 1842	
Edward Beck	October 14, 1845	
Edward Beck	October 10, 1848	Re-elected
Joshua Stahler	October 14, 1851	
Samuel Colver	October 10, 1854	
Jacob Slemmer	October 13, 1857	
Jacob Slemmer	October 9, 1860	Re-elected
Samuel R. Engleman	October 13, 1863	
Samuel R. Engleman	October 9, 1866	Re-elected
Edmund R. Newhard	October 12, 1869	
Edmund R. Newhard	October 8, 1872	Re-elected
Henry German	November 2, 1875	
Ephraim B. Harlacher	November 5, 1878	
Tilghman F. Keck	November 8, 1881	
Obediah Pfeiffer	November 4, 1884	
Tilghman F. Keck	November 8, 1887	
James B. Smith	November 4, 1890	
Henry Heilman	November 7, 1893	
Franklin Weaver	November 3, 1896	
Harry F. Longnecker	November 7, 1899	
Malcolm W. Gross	November 18, 1902	
Samuel J. Koehler	November 7, 1905	
J. Herbert Kohler	November 3, 1908	(Served as Register of Wills from Jan. 1, 1909, to July 1, 1910, when he was appointed Postmaster of Allentown. See Roberts, <i>History . . .</i> , Vol. II, p. 716.)

David H. Thomas	July 7, 1910	Appointed to serve during the unexpired term
Edwin W. German	November 7, 1911	(1912-16)
John S. Sefing	November 2, 1915	(1916-20)
Charles F. Bartholomew	November 4, 1919	(1920-24)
John S. Sefing	November 6, 1923	(1924-28)
Asa H. Neimeyer	November 8, 1927	(1928-36)
Asa H. Neimeyer	November 5, 1931	Re-elected
Ira T. Erdman	November 5, 1935	(1936—)
Ira T. Erdman	November 7, 1939	Re-elected
Russell F. C. Benfer	November 2, 1943	(1944—)

### Treasurer

<i>Name</i>	<i>Date Commissioned</i>
John Fogel	January, 1813
Charles L. Hutter	November 21, 1815
Henry Weaver	October 16, 1818
Jacob C. Newhard, Jr.	December 27, 1821
Jacob C. Newhard, Jr.	January 1, 1825
Jacob C. Newhard, Jr.	January 1, 1826
Charles Saeger	January 1, 1827
Charles Saeger	January 1, 1828
Charles Saeger	January 1, 1829
Solomon Gangwere	January 4, 1830
Michael D. Eberhard	January 6, 1832
Michael D. Eberhard	January 1, 1833
Michael D. Eberhard	January 1, 1834
John J. Krause	January 2, 1835
John J. Krause	January 4, 1836
John J. Krause	January 4, 1837
George Haberacker	January 2, 1838
George Haberacker	January 7, 1839
George Haberacker	January 25, 1840
George Rhoads	January 4, 1841
Jacob D. Boas	January 3, 1842

### *Date Elected*

William H. Blumer	October 10, 1843
Tilghman H. Martin	October 14, 1845
Joshua Hanse	October 12, 1847

Charles H. Martin	October 9, 1849
Ephraim Yohe	October 14, 1851
Aaron Troxell	October 11, 1853
Jacob Fisher	October 9, 1855
Thomas Steckel	October 13, 1857
William Reimer	October 11, 1859
Reuben Engleman	October 8, 1861
David Schadt	October 13, 1863
J. Franklin Reichard	October, 1865
Simon Meyer	October, 1867
Daniel Bittner	October 12, 1869
Peter Heller	October 10, 1871
Peter Hendricks	October 14, 1873
Charles Keck	November 2, 1875
John J. Trexler	November 5, 1878
George Kuhl	November 8, 1881
Tilghman Buskirk	November 4, 1884
Daniel Wannamacher	November 8, 1887
John J. Schadt	November 4, 1890
John R. Gossler	November 7, 1893
James M. Sechler	November 3, 1896
Sylvester J. Hartman	November 7, 1899
William H. Bartholomew	November 18, 1902
Harry M. Gangwere	November 7, 1905
Amos Weida	November 3, 1908
Henry P. Krause	November 7, 1911
D. R. Sell	November 2, 1915
James W. Holman	November 4, 1919
William F. Brobst	November 6, 1923
Jerry F. Kern	November 8, 1927
Milo M. Miller	November 5, 1931
Charles D. Peters	November 5, 1935
Job L. Vaughn	November 7, 1939
Mark Hoffman	November 2, 1943

### **Coroner**

<i>Name</i>	<i>Date Commissioned</i>
Peter Dorney	October 23, 1812
Peter Newhard	December 17, 1815
Henry Weaver	December 14, 1817
Daniel Mertz	January 6, 1819

Andrew Knauss	December 20, 1821
Benjamin Fogel	December 17, 1824
Jacob Schantz	January 1, 1828
Peter Miller	December 11, 1830
Daniel Klein	October 25, 1833
Charles Foster	December 9, 1836
Jacob Marks	March 30, 1839
Solomon Gangwere	November 8, 1841

*Date Elected*

John Eisenhart	October 8, 1844	
Charles Troxell	March 30, 1846	Appointed to fill in until election
Charles Troxell	October 13, 1846	
John Erdman	October 9, 1849	
Jacob Meyers	October 12, 1852	
Joshua Stahler	October 9, 1855	
Joseph F. Newhard	October 14, 1856	
Owen W. Faust	October 13, 1857	
Edwin G. Martin	October 9, 1860	
Ephraim Yohe	October 13, 1863	
James H. Bush	October 9, 1866	
James H. Bush	October 12, 1869	

*Date Commissioned*

William H. Romig	December 23, 1871	Appointed
Americus V. Moser	October 8, 1872	

*Date Elected*

John Osman	November 2, 1875	
Israel H. Troxell	November 5, 1878	
Thomas T. Martin	November 8, 1881	
W. S. Berlin	November 4, 1884	
Charles C. Klump	November 8, 1887	
Howard S. Kramer	November 4, 1890	
Dr. Albert J. Yost	November 7, 1893	
Dr. Albert J. Yost	November 3, 1896	Re-elected
James Goheen	November 7, 1899	
Dr. F. B. Scheirer	November 18, 1902	
Dr. J. Treichler Butz	November 7, 1905	
James Goheen	November 3, 1908	



James Goheen	November 7, 1911	Re-elected
James Goheen	November 2, 1915	Re-elected
Frederick R. Bausch	November 4, 1919	
Frederick R. Bausch	November 6, 1923	Re-elected
Frederick R. Bausch	November 8, 1927	Re-elected
Alexander M. Peters	November 5, 1931	
Alexander M. Peters	November 5, 1935	Re-elected
Alexander M. Peters	November 7, 1939	Re-elected
Alexander M. Peters	November 2, 1943	Re-elected

### **District Attorneys**

From the year 1812 to 1850 the prosecuting Attorneys were designated as Deputy Attorneys General, who were appointed and commissioned by the Attorney General of the State. The list of District Attorneys elected since 1850 and time of service are:—

<i>Name</i>	<i>Date Elected</i>
Henry C. Longnecker	October 8, 1850
John D. Stiles	October 11, 1853
William S. Marx	October 14, 1856
George B. Schall	October 11, 1859
Adam Woolever	October 4, 1862
Edwin Albright	October, 1865
Thomas B. Metzger	October 13, 1868
William H. Snowden	October 10, 1871
C. J. Erdman	November 3, 1874
Milton C. Henninger	November 6, 1877
Arthur G. Dewalt	November 2, 1880
J. Marshall Wright	November 6, 1883
Marcus C. L. Kline	November 2, 1886
Harry G. Stiles	November 5, 1889
James L. Schaadt	November 8, 1892
John L. Schwartz	November 5, 1895
Clinton A. Groman	November 8, 1898
E. J. Lichtenwalner	November 5, 1901
Horace W. Schantz	November 8, 1904
Fred B. Gerner	November 5, 1907
Lawrence H. Rupp	November 7, 1911
Warren K. Miller	November 2, 1915
Richard W. Iobst	November 6, 1918
Richard W. Iobst	November 4, 1919

Orrin E. Boyle	November 6, 1923
Ethan Allen Gearhart, Jr.	November 8, 1927
John H. Diefenderfer	November 5, 1931
John L. Cutshall	November 5, 1935
Joseph E. Gehringer	November 7, 1939
Theodore R. Gardner	November 2, 1943

### Commissioners

<i>Name</i>	<i>Date Elected</i>
William F. Fenstermacher	October, 1812
Abraham Greisemer	October, 1812
John Yeakel	October, 1812
Philip Kleckner	October, 1813
Jacob Newhard	October, 1814
Jacob Schaffer	October, 1815
John Yeakel	October, 1816
John Billig	October, 1817
John Spangenberg	October, 1818
Jacob Wannemacher	October, 1819
Abraham Schaffer	October, 1820
Solomon Gangwere	October, 1821
Peter Marx	October, 1822
Conrad Knerr	October, 1823
John Bogert	October, 1824
John Rinker	October, 1825
John Greenewald	October, 1826
Joshua Frey, Sr.	October, 1827
Henry Laros	October, 1828
Jacob Ward	October, 1829
Caspar Peter	October, 1830
Jacob Schwenk	October, 1831
William Eckert	October, 1832
J. Schmidt	October, 1833
Solomon Greisemer	October, 1834
Martin Ritter	October, 1835
John Sherer	October, 1836
Jacob Derr	October, 1837
Henry Leh	October, 1838
Philip Pearson	October 8, 1839
Timothy Weiss	October 13, 1840
John Yost	October 19, 1841

Daniel Stahler	October 11, 1842
Peter Romig	October 10, 1843
Charles Foster	October 8, 1844
Samuel Camp	October 14, 1845
Peter Breinig	October 13, 1846
John Lichtenwallner	October 12, 1847
Benjamin Breinig	October 10, 1848
Samuel Knauss	October 9, 1849
Peter Engleman	October 8, 1850
Daniel Hausman	October 14, 1851
Joseph Miller	October 12, 1852
John Weber	October 11, 1853
Samuel Sieger	October 10, 1854
John Erdman	October 9, 1855
Gideon Marks	October 14, 1856
Levi Dornblazer	October 13, 1857
John Peter	October 12, 1858
Paul Balliet	October 11, 1859
George Neymeyer	October 9, 1860
Daniel Bittner	October 8, 1861
Willoughby Gable	October 14, 1862
Joseph Newhard	October 13, 1863
Reuben Danner	October 11, 1864
Jonas Hollenbach	October, 1865
Daniel Focht	October 9, 1866
Thomas Jacoby	October, 1867
Henry B. Pearson	October 13, 1868
Stephen Kern	October 12, 1869
John Strauss	October 14, 1870
Hiram Balliet	October 10, 1871
Jacob A. Leiby	October 8, 1872
Jesse Solliday	October 14, 1873
Daniel Lauer	November 3, 1874
Alexander Singmaster	November 3, 1874
Alexander McKee	November 2, 1875
Daniel Lauer	November 2, 1875
Alexander Singmaster	November 2, 1875
Thomas Casey	November 5, 1878
David L. Barner	November 5, 1878
Jonathan Barrall	November 5, 1878
George K. Carl	November 8, 1881
William F. Schmoyer	November 8, 1881

John Hottenstine	November 8, 1881	
Charles F. Hartzell	November 4, 1884	
William B. Moyer	November 4, 1884	
William Stephen Knauss	November 4, 1884	
Daniel Swoyer	November 8, 1887	
David Wieser	November 8, 1887	
John L. Schreiber	November 8, 1887	
Wayne Holben	November 4, 1890	
Cornelius Acker	November 4, 1890	
Harrison Bortz	November 4, 1890	
Phaon Diehl	November 7, 1893	
James F. Jordan	November 7, 1893	
Milton Kurtz	November 7, 1893	
Stephen B. Neumoyer	November 3, 1896	
Richard J. Klotz	November 3, 1896	
Edward B. Neff	November 3, 1896	
George F. Schlicher	November 7, 1899	
William Brown	November 7, 1899	
Joseph P. Snyder	November 7, 1899	
Willoughby Guth	November 18, 1902	
A. Monroe Stephens	November 18, 1902	
Llewellyn S. Shimer	November 18, 1902	
Adam E. Bittner	November 7, 1905	
Henry W. Bloss	November 7, 1905	
James S. Peter	November 7, 1905	
Adam E. Bittner	November 3, 1908	Re-elected
Henry W. Bloss	November 3, 1908	Re-elected
Walter H. Biery	November 3, 1908	
Walter H. Biery	November 7, 1911	Re-elected
Samuel K. Fetterman	November 7, 1911	
Frank G. Werley	November 7, 1911	
Frank G. Werley	November 2, 1915	Re-elected
Oscar L. Henninger	November 2, 1915	
Edwin A. Donecker	November 2, 1915	
Frank G. Werley	November 4, 1919	Re-elected
Oscar L. Henninger	November 4, 1919	Re-elected
Amos Weida	November 4, 1919	
Frank G. Werley	November 6, 1923	Re-elected
Martin Klingler	November 6, 1923	
Richard D. Wotring	November 6, 1923	
Frank G. Werley	November 8, 1927	Re-elected
Martin Klingler	November 8, 1927	



Thomas P. Roth	November 8, 1927	
Jonas M. Ackerman	November 5, 1931	
Frederick J. Waidelich	November 5, 1931	
J. Peter Grim	November 5, 1931	
J. Peter Grim	November 5, 1935	Re-elected
Robert F. Good	November 5, 1935	
Edgar T. Fink	November 5, 1935	
Robert F. Good	November 7, 1939	Re-elected
Harry D. Hertzog	November 7, 1939	
Elmer G. Schellhamer	November 7, 1939	
Elmer G. Schellhamer	November 2, 1943	Re-elected
Harry D. Hertzog	November 2, 1943	Re-elected
Robert F. Good	November 2, 1943	Re-elected

**Controller**

<i>Name</i>	<i>Date Elected</i>	
Cyrus J. Dilcher	November 4, 1913	
Cyrus J. Dilcher	November 6, 1917	Re-elected
Cyrus J. Dilcher	November 8, 1921	Re-elected
Harry M. Schoenly	November 3, 1925	
Harry M. Schoenly	November 5, 1929	Re-elected
Ambrose J. Heller	November 7, 1933	
Alan F. Weinsheimer	November, 1937	
Alan F. Weinsheimer	November, 1941	Re-elected

**Jail Wardens**

<i>Name</i>	<i>Date Elected</i>
Thomas Jacoby	April 1, 1870 to April 1, 1876
David Schaadt	April 1, 1876 to April 1, 1879
J. H. Lichtenwallner	April 1, 1879 to April 1, 1882
John Jacoby	April 1, 1882 to April 1, 1885
W. R. Henninger	April 1, 1885 to April 1, 1890
Daniel Wisser	April 1, 1890 to April 1, 1892
Daniel H. Creitz	April 1, 1892 to April 1, 1893
Edwin Osenbach	April 1, 1893 to April 1, 1894
Tilghman J. Deshler	April 1, 1894 to April 1, 1897
Tilghman D. Frey	April 1, 1897 to April 1, 1903
Harvey J. Wieand	April 1, 1903 to April 1, 1912

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Much of the descriptive material included in this inventory, in addition to information in the records themselves, has been obtained at first hand. Interviews with county officials, members of local historical societies, and citizens of the county have unearthed many new facts for which no documentation or bibliographical reference can be given.

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